

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
January 16, 2013
2:00 P.M.

I. CALL TO ORDER

Mayor Ring called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

II. FLAG SALUTE

Ruth May, resident, led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Hack, Conners, Robbins, Ring
 ABSENT: Hatch

STAFF PRESENT: City Manager Keane; Public Safety Director Macon; Deputy City Clerk Trippy; City Attorney Cosgrove

IV. PRESENTATIONS

4.1 Orange County Human Relations Commission Annual Report – Ken Inouye, Vice Chair

Commissioner Inouye provided handouts and reported that the Commission arbitrated 62 cases during 2012, which involved residents from the City of Laguna Woods. He was pleased to announce that there were no reports of hate crimes or incidents in the City within this period.

Mayor Ring thanked Mr. Inouye for his report and noted that the City looks forward to next year's report.

V. CITY COMMENDATIONS AND PROCLAMATIONS

5.1 Commendations for Retiring Employees: Sandra Verrall, Code Enforcement Officer and Rosalind Fox, Administrative Coordinator

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried unanimously to approve the City Commendation to Sandra Verrall, Code Enforcement Officer.

City Manager Keane announced that Ms. Verrall and Ms. Fox are the first and second, respectively, to retire from the City. She made brief remarks about Ms. Verrall's contribution to the City as both staff and a volunteer. City Manager Keane thanked Ms.

Verrall and stated that it has been a pleasure working with her.

Councilmember Hack acknowledged her due diligence as Code Enforcement Officer and thanked her for her service.

Councilmember Conners stated that Ms. Verrall always appeared calm and good-humored while enforcing her difficult duties as Code Enforcement Officer. She thanked Ms. Verrall for the service.

Mayor Pro Tem Robbins stated that Ms. Verrall has done a marvelous job and will be greatly missed.

Mayor Ring presented Ms. Verrall with a Commendation plaque and City Manager Keane presented her with a symbolic key to the City.

Ms. Verrall thanked the Council for their recognition.

City manager Keane noted that former employee Roz Fox will be attending the February meeting to receive her commendation.

At this time, Mayor Ring requested that Item XI Public Comments be moved immediately following the Consent Calendar action in order to accommodate a large group of audience that wish to address the Moulton widening project.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to move Item XI Public Comments immediately after Consent Calendar action.

VI. CONSENT CALENDAR

Moved by Councilmember Conners, seconded by Mayor Pro Tem Robbins and carried unanimously to approve Consent Calendar Items 6.1 – 6.7.

6.1 Approved the minutes from the December 19, 2012 regular meeting.

6.2 Approved the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by title only and further reading waived.

6.3 Treasurer's Report

Received and filed the December 2012 monthly Treasurer's Report.

6.4 Warrant Register

Approved the January 16, 2013 Warrant Register in the amount of \$636,268.98.

6.5 Approved **Resolution No. 13-01**, authorizing the City Manager, subject to approval as to

form by the City Attorney, to execute a Proposition 84 agreement with the State of California, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA AND DESIGNATING A REPRESENTATIVE TO SIGN THE AGREEMENT, AND ANY AMENDMENTS THERETO, FOR THE CITY HALL LOW IMPACT DEVELOPMENT RETROFIT PROJECT

XI. PUBLIC COMMENTS

Bob Mulvihill, Legal Counsel for Golden Rain Foundation (GRF), discussed the history of the Moulton Smart Street project and how it relates to the third and final purchase agreement between the City and GRF. On behalf of his client, he requested that the City consider modifications to the agreement and the project, which GRF believes, will better serve the community. GRF would like to re-open negotiations on the land acquisition agreement and the proposed 180 foot golf course netting. They propose that the City not construct mitigation required for the garden center and that the money associated with that portion of the project be provided instead so that they can construct a new garden center at another location.

Kathryn Freshley, resident, discussed her previous objections regarding the conditions associated with construction of the Village Greens. She believes that Mr. Mulvahill's suggestions are not unreasonable. She would also prefer to keep Moulton Parkway as it is with no improvements.

Judith Troutman, resident, speaking on behalf of ten (10) neighbors and friends, asked the Council to reconsider the Environmental Impact Review prepared for the project before proceeding with the project as planned.

City Manager Keane acknowledged Mr. Mulvihill's summary of the project; however, she noted that the County had informed GRF, during its regular meetings, that the \$500,000 cost to relocate the garden entrance was only a partial estimate. She discussed the six options reviewed by both party's consultants and the fact that GRF selected the alternative that included the 180 feet netting. Ms. Keane also noted that the land acquisition agreement states that if the parties cannot agree on the golf course mitigation, a neutral third-party golf course architect shall be selected. GRF did not ask the City to consult with a third party. Ms. Keane noted that the City would like to reduce the netting height and is evaluating options to see if that is possible.

Mayor Ring asked that City Attorney Cosgrove provide direction regarding discussion on the issue.

City Attorney Cosgrove suggested that Council refrain from deliberating on the issue as it is scheduled for Closed Session. He indicated that Council may review the pros and cons of GRF's request and that an account on the history of the project would be appropriate, but that there should be no discussion.

Councilmember Hack noted the history of the project, which spans nearly 20 years and the possibility of losing \$7 million of grant funding associated to the project. He indicated that the only way he would support GRF's request to lower the proposed netting, is if the golf course experts agree and GRF is willing to purchase insurance and indemnify the City for any future liabilities.

Councilmember Connors remarked on the effects of traffic congestion along Moulton Parkway and the length of time the City and County have been working on this project. She noted that it is difficult to modify the land acquisition agreement and roadway plans at this point.

City Attorney Cosgrove reiterated that Council may provide brief and clarifying comments, but must refrain from any deliberation or specific discussion since the item is not listed on the open portion of the agenda.

Pam Grundke, resident, made comments regarding City Manager Keane and an alleged incident in December 2012.

VII. PUBLIC HEARING - None

VIII. CITY COUNCIL

8.1 Advisory Committee Appointments

City Manager Keane summarized the agenda report.

Moved by Councilmember Connors, seconded by Councilmember Hack, and carried unanimously to appoint City Advisory Chairpersons and ratify Councilmember nominations to citizen advisory committees.

Councilmember Connors thanked the volunteers for choosing to serve on the committees.

Mayor Ring stated that Councilmembers do not participate in the committee meetings and that direct input from committee members and the public are very helpful to Council.

8.2 Councilmember Compensation

City Manager Keane summarized the agenda report and noted that the proposed modification would allow Councilmembers to choose a \$300 monthly salary or \$300 monthly automobile reimbursement. She noted that the title of the proposed ordinance should strike the words "...COUNCIL OF THE CITY".

Mayor Ring noted that the proposed ordinance is a matter of clarification.

Councilmember Hack discussed the various meetings he attends that are outside of the County jurisdiction. He stated that the proposed ordinance works for both he and Mayor Ring and that the current compensation situation is not actually changing.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to approve introduction and first reading of an ordinance clarifying Councilmember compensation, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING SECTION 2.02.010, TO ALLOW FOR AN
ALTERNATIVE VEHICLE REIMBURSEMENT ALLOWANCE FOR
CITY COUNCILMEMBERS

Mayor Ring asked for clarification if the proposed policy would be retroactive to January 1, 2013.

City Manager Keane clarified that the proposed ordinance would be effective 30 days after adoption if the Council proceeds with adoption at its March meeting.

IX. CITY MANAGER

9.1 Fiscal Year 2012-13 Mid-Year Budget Review

City Manager Keane presented a Power Point presentation about the state of the current year budget. She noted that as of midyear revenue and expenditure projections appear at this time to be on track. Proposed midyear adjustments include carryover projects and revenue and several intra- and inter-fund transfers. The anticipated General Fund Balance is expected to be \$6.1 at the end of the current fiscal year. She noted that the proposed staff reorganization does not change the total number of staff and that there are no salary range or benefit modifications.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Connors, and carried unanimously to approve:

A. **Resolution No. 13-02**, amending Fiscal Year 2012-13 appropriations and authorized staff positions, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, AMENDING RESOLUTION NO.
12-08 AND THE FISCAL YEAR 2012-13 BUDGET

B. **Resolution No. 13-03**, modifying the employee compensation schedule to add the position of Planning Manager, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION NO.
12-14 AND ESTABLISHING A COMPENSATION SCHEDULE FOR
CITY EMPLOYEES

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack reported that five new Board members were appointed to the Agency as well as a new Vice-Chair.

- 10.2 Orange County Library Board (Mayor Pro Tem Robbins)
Mayor Pro Tem Robbins reported that the Advisory Board was scheduled to meet to enact a resolution to reduce the quorum limits to address problems with attendance; however, there was no quorum. Sub-committee issues were discussed and Councilmember Robbins volunteered for the finance committee.
- 10.3 Orange County Fire Authority (Councilmember Hatch)
Councilmember Hatch was not present to provide a report.
- 10.4 Southern California Water Committee (Councilmember Hack)
Councilmember Hack reported that the next meeting is scheduled for January 25, 2013. He noted that the Committee has been awarded \$100,000 in grant funds to improve water runoff recapture within the jurisdiction of the Committee. He also discussed the \$14 billion water bond that was suspended in 2010 and proposals to reduce the proposed bond amount.
- 10.5 Coastal Greenbelt Authority (Councilmember Conners)
Councilmember Conners reported that the next meeting is scheduled for tomorrow at 5:30 p.m. at City Hall and is open to the public.
- 10.6 Vector Control District Board (Mayor Pro Tem Robbins)
Mayor Pro Tem Robbins reported that there were no reports of dead birds in the immediate areas of Lake Forest, Laguna Hills, and Laguna Woods. Three additional cases of the West Nile Virus (WNV) were reported in Orange County in 2012, from the cities of Huntington Beach, La Habra, and Tustin. A 60 year-old female from Tustin was the first reported death in 2012, as a result of WNV. He reminded residents to discard standing water from planters, which serves as a breeding ground for mosquitoes that transmit the disease.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

A. Water Advisory Committee of Orange County, January 11, 2013: Councilmember Hack

Councilmember Hack noted that the guest speaker from the Metropolitan Water District discussed the problems associated with water resources and allocation from the Colorado River. Water shortages are to be expected by the end of the year. He noted that the City of Las Vegas no longer allows grass as ground cover.

City Manager Keane stated that the City of Palm Springs developed a program where they pay residents to replace grass with other types of ground cover.

12.2 Other Meetings, Comments and Announcements

Councilmember Conners reported on a meeting she attended at the Orange County Waste Management Commission where the prohibition on use of single-use plastic bags was discussed. She urged the public to consider using reusable bags. She noted that some small communities and colleges have also banned the sale of water in plastic bottles.

Councilmember Hack noted that a number of people have suggested that plastic containers have been linked to health issues.

City Attorney Cosgrove informed the Council that he was asked to look into any possible conflict of interest, pursuant to Fair Political Practices Commission (FPPC) regulations and Government Code 1090, regarding the overlap interest between Councilmember Conners and her husband Third Laguna Hills Board Member James Juhan with respect to several issues. His office has determined that there is not conflict with respect to the Moulton Parkway project; however, there is requirement to disclosure the situation.

XIII. CLOSED SESSION

- 13.1 The City Council met in closed session to confer with legal counsel, pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Location: Along the east and west sides of Moulton Parkway in the vicinity of Santa aria Avenue

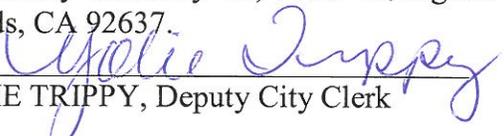
City Negotiator: Leslie A. Keane
Negotiating Party: Golden Rain Foundation
Under Negotiation: Instructions to negotiator regarding terms

- 13.2 The City Council met in closed session pursuant to the provisions of Government Code Section 54957(b), to conduct a Public Employee Performance Evaluation; Position of Employee Under Review: City Manager.

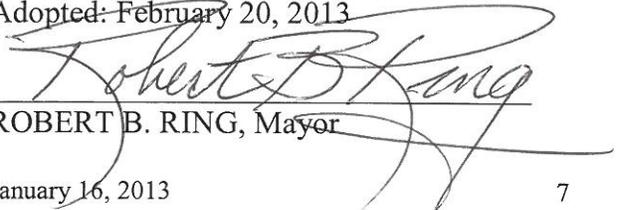
The City Council reconvened in open session at 4:30 p.m. City Attorney Cosgrove advised that there was no reportable action.

XIV. ADJOURNMENT

The meeting was adjourned at 4:30 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday February 20, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.


YOLIE TRIPPY, Deputy City Clerk

Adopted: February 20, 2013


ROBERT B. RING, Mayor