

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
May 20, 2009
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

Councilmember Hack led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Conners, Hack, Rhodes, Robbins, Ring
 ABSENT: None

STAFF PRESENT: City Manager Keane; City Attorney McEwen; Assistant City
 Manager Reilly; Deputy City Clerk Trippy

IV. PRESENTATIONS

4.1 El Toro Water District Conservation Ordinance

Scott Goldman, Vice President of the El Toro Water District's (ETWD) Board of Directors, gave a presentation indicating that California is experiencing a "regulatory drought." ETWD recently adopted a conservation ordinance in anticipation of supply cutbacks from the Metropolitan Water District of Orange County. The ordinance contains a method of allocating water by customer type and a variety of restrictions on personal consumption. Mr. Goldman stated that the water district intends to provide outreach and education to its customers before penalty assessments to go into effect in January 2010.

V. CITY PROCLAMATIONS

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to approve Proclamations 5.1 – 5.7.

5.1 Proclamation – Orange County Fire Authority/Arson Awareness Week, May 3-9, 2009

5.2 Proclamation – National Nursing Home Week, May 11-17, 2009

- 5.3 Proclamation – Emergency Medical Services Week, May 17-25, 2009
- 5.4 Proclamation – American Lung Association 100th Anniversary
- 5.5 Proclamation – California Water Awareness Month
- 5.6 Proclamation – Older Americans Month
- 5.7 Proclamation – National Military Appreciation Month

VI. CONSENT CALENDAR

Mayor Ring announced that members of the public have asked that Item 6.5 be removed from the Consent Calendar.

Moved by Councilmember Conners, seconded by Councilmember Rhodes, and carried unanimously to approve Consent Calendar Items 6.1 – 6.4 and Items 6.6 – 6.8.

- 6.1 Approved City Council Minutes from the April 15, 2009 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 Received and filed the April 2009 monthly and Fiscal Year 2008-09 Third Quarter Treasurer’s Report.
- 6.4 Approved the May 20, 2009 Warrant Register in the amount of \$780,281.73.
- 6.6 Street and Traffic Signal Maintenance
 - A. Approved an agreement with the County of Orange to provide street maintenance services for Fiscal Years 09/10–13/14, and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.
 - AND
 - B. Approved an agreement with the County of Orange to provide traffic signal maintenance services for Fiscal Years 09/10–13/14, and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.
- 6.7 City Hall Energy Audit

Approved Resolution No. 09-08 authorizing staff to apply for a grant to audit of City Hall energy usage, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA
WOODS, CALIFORNIA, AUTHORIZING AN APPLICATION FOR

TECHNICAL ASSISTANCE THROUGH THE CALIFORNIA ENERGY COMMISSION'S ENERGY PARTNERSHIP PROGRAM

6.8 Beverage Container Recycling

Adopted Resolution No. 09-09 authorizing an application for curbside beverage container recycling registration with the California Department of Conservation, Division of Recycling, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING THE APPLICATION TO THE STATE OF CALIFORNIA, DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING FOR CURBSIDE REGISTRATION

6.5 Dog and Cat Spay-Neuter Regulations

Mayor Ring introduced the individuals that asked to speak on this item and noted that each person had up to three minutes to speak.

Teddy Alves, non-resident, opposed Councilmember Conners' support of the ordinance, stating that it is harmful to pets. She asked the City Council to reconsider adoption.

Patricia Schempp, non-resident, indicated her support for spay-neutering, but only when pets are mature and when it is the owner's decision. She opposed mandatory enforcement and feels it takes away rights.

Councilmember Hack noted that this issue has been discussed at great length and the City Council made its decision by a vote of 4 to 1 at the April 15, 2009 City Council meeting. He stated that while he does not support the ordinance, he believes in the process and respects the outcome of the vote. He also disapproved of the comments made by Teddy Alves regarding Councilmember Conners.

Councilmember Conners thanked Councilmember Hack for his remarks. She noted that the ordinance does not compel spay-neutering of pets that belong to responsible owners. She believes that the City Council has been responsive to the views of City residents.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and voted 4 to 1 to adopt Ordinance No. 09-03 establishing dog and cat spay-neuter regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING TITLE 5 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO THE STERLIZATION OF DOGS AND CATS

AYES: Conners, Rhodes, Ring, Robbins
NOES: Hack

VII. PUBLIC COMMENTS

7.1 False Alarm Fees

City Manager Leslie Keane summarized the agenda report and recommended that the City Council approve an increase in false alarm fees from the current rate of \$56 to \$85. The fee is intended to cover the actual cost of responding. Maintaining the existing fee would cost the City \$29 for each billable false alarm. She noted that the Public Safety Committee unanimously voted to support the fee increase.

Councilmember Connors asked if the fees are a pass-through to the Sheriff's Department.

City Manager Keane responded affirmatively.

The public hearing was opened.

There being no requests to speak, the public hearing was closed.

Moved by Councilmember Hack, seconded by Councilmember Rhodes, and carried unanimously to approve Resolution No. 09-10, modifying false alarm fees, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA
WOODS, CALIFORNIA, AUTHORIZING THE CITY OF LAGUNA
WOODS' PARTICIPATION IN THE ORANGE COUNTY SHERIFF'S
DEPARTMENT OF FALSE ALARM FEE PROGRAM

VIII. CITY COUNCIL – None

IX. CITY MANAGER

9.1 Donation of Real Property

City Manager Keane summarized the agenda report and noted that if the City Council chooses to acquire the property, the City may be subject to monthly association fees ranging from \$1,500 to \$2,000 per month.

Councilmember Hack encouraged a dialogue with Mutual 50 and the Golden Rain Foundation on the fees, but indicated that unless they are waived, accepting the property is undesirable.

Mayor Pro Tem Robbins stated that based on two recent sales of similar properties, the value of the gift would total approximately \$10,000. He concurred with Councilmember Hack that unless the fees are waived, he would vote against acquiring the property.

Councilmember Rhodes stated that there may be a possibility of negotiating fees for food and housekeeping, but he does not believe that Mutual 50 or the Golden Rain Foundation would be willing to waive their monthly maintenance fees.

Councilmember Connors expressed belief that the donation would not benefit the City and that the fees are unlikely be to waived. She further stated that a small city such as Laguna Woods could not provide the staff needed to manage such a property.

City Manager Keane explained that by accepting the property, the City would be required to adhere to gift of public funds regulations. While other cities have acquired foreclosed properties with the assistance of the Federal stimulus, many are avoiding properties that include homeowner's association fees.

Mayor Ring asked City Manager Keane if Laguna Woods Village staff have been made aware of the offer and if they expressed an interest in the City acquiring the property.

City Manager Keane noted that efforts to inform staff have been made, but because of the short notice, there have not been any discussions.

Moved by Councilmember Hack, seconded by Councilmember Robbins, and carried unanimously not to accept the real property at 24055 West Paseo Del Lago, Unit 1051, Laguna Woods, CA.

9.2 FY 2009-10 Budget Process – Special Funds

City Manager Keane summarized the agenda report. All special funds are restricted to certain types of expenditures and often must be spent within a specified timeframe.

Councilmember Connors asked if rubberized asphalt is permeable for water runoff and if the projects listed would be impacted by the State's economic situation.

City Manager Keane noted that the rubberized asphalt is not permeable and stated that some of the funding for the projects have already been allocated to the City, while others would depend on the amount of tax revenue received by the State.

Councilmember Hack questioned the City's obligation to complete and fund projects that are currently underway, in the event that the State seizes city revenues.

City Manager Keane indicated that the City would be liable for funding projects to their completion. She noted that it is typical for the City to proceed with the planning stages of a project, but not begin construction until funds are actually available.

Councilmember Hack asked if the state would be inclined to take away County funds, even those already set aside by the County to distribute to cities.

City Manager Keane stated that it is more likely for the State to take County funds because they fund many of their programs directly. Some monies are protected by law.

Mayor Pro Tem Robbins concurred with Councilmember Hack's suggestion to postpone

spending money until funding is readily available. He also expressed concerns with the Governor's proposal to borrow property tax dollars from cities.

City Manager Keane noted that the City's portion of that amount is minimal and would total approximately \$175,000.

Councilmember Rhodes asked about funding for the Moulton Smart Street project.

City Manager Keane stated that the County has the money available for Phase One of the project. The availability of funding for Phase Two is less certain.

Mayor Ring asked about Council-appointed committees' work plans.

City Manager Keane stated the Community Services Committee is aware of the limited funding available to them. The Public Safety Committee and Land Use Design and Review Committee will discuss the capital improvement program budget during their meetings in June.

9.3 Senior Mobility Taxi Voucher Program

Assistant City Manager Reilly summarized the agenda report and emphasized the growth and continued popularity of the program. He recommended that the City Council allocate \$44,148 to maintain the current service level for the remainder of the fiscal year and extend the special destination vouchers program through June 30, 2010. Funding would come from program reserves that total nearly \$142,000.

Councilmember Rhodes asked for clarification where the excess money is coming from.

City Manager Keane and Assistant City Manager Reilly explained that the Orange County Transportation Authority (OCTA) provides funding for the program and requires that the City provide a 20% match. Since the beginning of the program, the accumulation of fees by OCTA, the City's match, and the resident's cost has built a reserve.

Councilmember Hack asked if there would be money left to provide services for fiscal year 2009-10.

City Manager Keane stated that the reserve balance would total \$68,765.

Councilmember Hack moved to approve a budget amendment increasing the Fiscal Year 08-09 budget for the Senior Mobility Program by \$44,148 in unreserved taxi voucher revenues to \$295,654.

Amended by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to include both items A and B as follows:

A. Approve a budget amendment increasing the Fiscal Year 08-09 budget for the Senior

Mobility Program by \$44,148 in unreserved taxi voucher revenues to \$295,654.

AND

B. Authorize continuation of the special destination taxi voucher program through June 30, 2010.

X. CITY ATTORNEY'S REPORT

City Attorney McEwen stated that the City has entered into a tolling agreement with the County of Orange over a dispute on how it calculates property tax administration fees. He will report to the City Council with further information as it develops.

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Councilmember Hack)

The project to merge both entities of the TCA is currently on hold due to lack of funds.

11.2 Southern California Water Committee (Councilmember Hack)

Executive Director Joan Dym is retiring at the end of June after 20 years of service. The committee will meet next Tuesday to discuss the process of filling the vacancy.

11.3 Orange County Library Board (Mayor Pro Tem Robbins)

The Fiscal Year 2009-10 budget will be approximately \$49.5 million for the entire library system, including \$1.5 million in material cuts. A meeting is scheduled for Thursday to receive an interim report from the library allocation formula consultant.

11.4 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes noted that expenses for the Freeway Complex Fire totaled over \$16 million, with a total of \$33,000 incurred by OCFA.

11.5 Laguna Canyon Foundation (Councilmember Rhodes)

At the meeting on May 7, a guest speaker from the Crystal Cove Alliance who specializes in fundraising, gave a presentation on grant writing. The dedication of Mary's Trail at the Nix Nature Center will take place on May 23 from 1-3 p.m. The trail is wheelchair usable, although it is not ADA certified due to the effects of weather.

11.6 Coastal Greenbelt Authority (Councilmember Connors)

The next meeting is Thursday, May 21. Councilmember Connors announced her recent appointment to the Orange County Waste Management Commission.

11.7 Vector Control District Board (Board Member Bouer)

There are no current reports of vectors in the City.

XII. PUBLIC COMMENTS – None

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 City Councilmembers reported on the following meetings they attended:

- A. UCI/Advances in Smart Infrastructure Breakfast, April 24, 2009 (Hack)
- B. OC Interfaith Council Prayer Breakfast, May 8, 2009 (Connors)
- C. OC Housing Summit, May 12, 2009 (Ring)
- D. OC Water Summit, May 15, 2009 (Hack, Rhodes)
- E. League of California Cities/OC Division meeting, May 14, 2009 (Ring, Rhodes)

13.2 Other Comments and Announcements

Councilmember Hack asked City Manager Keane if staff could look into the process of plumbing reclaimed water into the City's medians.

City Manager Keane stated that she has had discussions with the El Toro Water District and they have stated that they do not possess the necessary state permit to proceed with such a project. She stated that further research will be done and reported to the City Council.

XIV. CLOSED SESSION

14.1 The City Council met in closed session to confer with legal counsel regarding one matter of pending litigation: City of Laguna Woods vs. Raintree Realty LLC. (Case No. 05 CC 09350), pursuant to the provisions of Government Code Section 54956.9(a).

Council reconvened at 5:09 p.m. and advised there was no reportable action.

XV. ADJOURNMENT

The meeting was adjourned at 5:10 p.m. The next meeting will be at 2:00 p.m. on June 3, 2009 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: June 17, 2009

ROBERT B. RING, Mayor