

AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting
February 16, 2011
2:00 P.M.**

**Council Chambers
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, CA 92637**

AGENDA DESCRIPTION: The Agenda descriptions are intended to give notice, to members of the public, of a general summary of items of business to be transacted or discussed. The listed Recommended Action represents staff or a particular Committee's recommendation. The City Council may take any action, which it deems to be appropriate on the agenda item and is not limited in any way by the recommended action. Any person wishing to address the City Council on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. Whenever possible, lengthy testimony should be presented to the City Council in writing (8 copies) and only pertinent points presented orally. Requests to speak to items on the agenda shall be heard at the appropriate point on the agenda; requests to speak about subjects not on the agenda will be heard during the Public Comment section of the meeting.

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

COUNCILMEMBERS: __ Rhodes __ Ring __ Robbins
__ Conners, Mayor Pro Tem __ Hack, Mayor

IV. PRESENTATIONS

None

V. CITY PROCLAMATIONS

None

All proclamations listed under this section will be enacted by one vote, unless Members of the City Council request specific items be removed for separate action. Proclamations will then be read and presented.

VI. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

6.1 City Council Minutes

RECOMMENDED ACTION: Approve the minutes from the January 19, 2011 regular meeting.

6.2 Approve 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.

RECOMMENDED ACTION: Waive reading of ordinances and resolutions.

6.3 Treasurer's Reports

RECOMMENDED ACTION: Receive and File the January 2011 monthly and Fiscal Year 2010-11 Second Quarter Treasurer's Reports.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the February 16, 2011 in the amount of \$1,274,841.25.

6.5 City Centre Park

RECOMMENDED ACTION: Award a contract to Southland Construction, Inc. in the amount of \$334,347, for construction of City Centre Park; and authorize the City Manager to execute the contract and approve change orders, subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS

7.1 Community Development Block Grant Disaster Recovery Initiative

RECOMMENDED ACTION:

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Approve a resolution authorizing staff to submit a grant application to the State of California for the purpose of disaster-related planning activities, entitled:

A RESOLUTION OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, APPROVING SUBMITTAL OF AN
APPLICATION FOR 2008 DISASTER RECOVERY
INITIATIVE FUNDING

7.2 Establish and Modify Building and Safety Fees

RECOMMENDED ACTION:

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment

D. Close Public Hearing

E. Approve a resolution establishing certain building permit fees, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LAGUNA WOODS, CALIFORNIA,
ESTABLISHING FEES FOR SINGLE-PLY ROOFING
AND ROOFTOP PHOTOVOLTAIC SYSTEMS

7.3 Temporary and Permanent Sign Regulations

RECOMMENDED ACTION (Staff and Land Use and Design Review
Committee):

A. Receive Staff Report

B. Open Public Hearing

C. Receive Public Comment

D. Close Public Hearing

E. Introduce and approve first reading of an ordinance establishing sign
regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTER 13.06 AND
REPEALING AND REPLACING CHAPTER 13.20 OF
THE LAGUNA WOODS MUNICIPAL CODE
PERTAINING TO SIGN REGULATIONS

VIII. CITY COUNCIL

8.1 City Attorney Services (agendized by Council ad hoc Legal Services
Committee)

RECOMMENDED ACTION: Authorize the City Manager to execute a
contract for legal services with the firm of Rutan & Tucker for the period
April 1, 2011 through March 31, 2012.

8.2 City Council Meeting Schedule

RECOMMENDED ACTION: Adopt a meeting schedule for the balance of the calendar year.

IX. CITY MANAGER

9.1 Smoking Regulations

RECOMMENDED ACTION:

- A. Adopt an ordinance modifying Laguna Woods smoking regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND
ESTABLISHING CHAPTER 7.16 – SMOKING IN
PUBLIC PLACES AND PLACES OF EMPLOYMENT

OR

- B. Modify, reintroduce and approve first reading of an ordinance modifying current Laguna Woods' smoking regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND
ESTABLISHING CHAPTER 7.16 – SMOKING IN
PUBLIC PLACES AND PLACES OF EMPLOYMENT

X. CITY ATTORNEY

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Mayor Hack)

11.2 Orange County Library Board (Councilmember Robbins)

11.3 Orange County Fire Authority (Councilmember Rhodes)

- 11.4 Southern California Water Committee (Mayor Hack)
- 11.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)
- 11.6 Laguna Canyon Foundation (Councilmember Rhodes)
- 11.7 Vector Control District Board (Councilmember Robbins)

XII. PUBLIC COMMENTS

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3)

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|---|
| State law requires Councilmembers to provide a report on all meetings or events they attend for which the City pays fees, travel or other expenses. These are informational reports and no action is taken on the item. |
|---|

- A. Southern California Water Committee Quarterly Meeting (Hack)
- B. State of the County Breakfast, January 29, 2011 (Conners, Rhodes)
- C. Orange County Fire Authority Best and Bravest Dinner. February 4, 2011 (Rhodes)

13.2 Other Comments and Announcements

XIV. CLOSED SESSION

14.1 The City Council will meet in closed session to confer with legal counsel regarding one matter of pending litigation: Golden Rain Foundation vs. City of Laguna Woods, Case No. 30-2010 00424268, pursuant to the provisions of Government Code Section 54956.9(a).

14.2 The City Council will meet 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).

XV. ADJOURNMENT

The meeting will be adjourned to a meeting of the City Council at 2:00 p.m. on Wednesday, March 16, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

AMERICANS WITH DISABILITIES ACT: In compliance with Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk at (949) 639-0500 (Voice) or, TDD (949) 639-0535 or the California Relay Service at (800) 735-2929 if you have a TDD or (800) 735-2922 if you do not have a TDD. Notification 48 hours prior to the meeting should enable the City to make reasonable arrangements to assure accessibility to the meeting.

AGENDA: The City Council agenda and agenda back-up materials are available from the Office of the City Clerk, after 4:30 p.m., on the Friday prior to the City Council meeting. The office of the City Clerk is located at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Copies of the agenda are provided at no cost. Agenda back-up materials are available at City Hall for inspection and copies are available at no charge prior to the meeting. A per page copy cost does apply after the meeting. If you wish to be added to the e-mail or regular mail list to receive a copy of the agenda, a request must be made to the City Clerk in writing. Copies of the agenda are mailed only if stamped, self-addressed envelopes are provided. The City of Laguna Woods mailing address is 24264 El Toro Road, Laguna Woods, CA 92637. Phone: (949) 639-0500, FAX (949) 639-0591.

6.1-6.5
CONSENT CALENDAR SUMMARY

City of Laguna Woods Agenda Report

FOR: February 16, 2011 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager 
Agenda Item: Consent Calendar

Recommendation

Approve all proposed actions on the February 16, 2011 Consent Calendar by single motion and Council action.

Discussion

In general, the Consent Calendar contains routine matters or matters that have already been discussed by Council. It is adopted in total with a single motion and Council action. However, if any councilmember or member of the public has questions or wishes to discuss an item further, it may be removed from the Consent Calendar and placed later in the agenda for discussion and action. The way to remove an item from the Consent Calendar is to request its removal, by agenda item number, immediately prior to the adoption of the Consent Calendar. Members of the public may fill out a request to speak on the item they wish removed and the City Clerk will note the item. No reason need be given with the request. Items pulled from the Consent Calendar are not discussed at the time they are pulled; they are scheduled for discussion immediately after action on the balance of the Consent Calendar.

The February 16, 2011 Consent Calendar contains the following five items:

- 6.1 Approval of the minutes from the January 19, 2011 regular meeting, as submitted.

- 6.2 Approval of a motion to allow reading proposed ordinances and resolutions by title only – this is a standard practice in cities. If this motion is not approved, all ordinances and resolutions must be read out loud in their entirety during the Council Meeting.
- 6.3 Approval of a motion to receive and file the January 2011 monthly and Fiscal Year 2010-11 Second Quarter Treasurer’s Reports. These reports identify the City’s current liquid assets and their location. At the end of March, the City had approximately \$10.2 million in cash on hand and in other liquid assets.
- 6.4 Approval of the February 16, 2011 Warrant Register, as submitted, in the total amount of \$1,274,841.25. This warrant register contains approximately \$700,000 of payments for the Moulton/El Toro intersection construction project. A list of all warrants is included in the agenda packet; detail information about individual warrants is available in the Finance Manager’s office.
- 6.5 Award of a contract – and authorization for the city manager to execute – with Southland Construction in the amount of \$334,347 for the construction of City Centre Park. Fourteen bids from licensed contractors were received for this project.

| | |
|----------------------------------|--------------|
| Southland Construction | \$334,347.00 |
| Atom, Inc. | \$350,140.50 |
| STL Landscape | \$355,587.00 |
| Landforms Landscape Construction | \$356,147.00 |
| Micon Construction | \$366,115.92 |
| Yakar | \$379,801.30 |
| MG Construction & Development | \$406,238.95 |
| Horizons Construction | \$414,364.16 |
| Excavating Engineers | \$446,973.50 |
| Malibu Pacific | \$454,413.00 |
| Marina Landscape | \$456,959.00 |
| Bravo Concrete Construction | \$475,606.00 |
| Unique Performance Construction | \$522,637.90 |
| Green Horizons Landscape | \$548,750.00 |

The bids from the companies were reviewed and no unbalanced bids or evidence of collusion was discovered. The lowest bidder, Southland

Construction, recently completed performed work satisfactorily for the County of Orange, the California Department of Transportation (Caltrans) and the City of Laguna Beach.

Pursuant to the City Council's direction, this project includes:

- Seven-foot wide exposed aggregate concrete trail from Moulton Parkway to the top of the park that is ADA-compliant, with benches and stone seating along the trail.
- Mix of trees, shrubs, and vines throughout the park similar to the plantings at the Ridge Route Linear Park, with Evergreen trees placed along the El Toro Water District chain link fence for screening.
- Low-flow irrigation system to support drought-tolerant plantings and electrical conduit/wiring for future park lighting.
- Look out patio at the top of the park with pavers, benches, shade trees, wide steps, a seat wall, an entry trellis, and ADA-compliant entry path from the Ayres Hotel parking lot.

The above matters are routine and/or have been reviewed by the Council on other occasions. Staff recommends that they be approved as part of the February 16, 2011 Consent Calendar.

If you have questions about any of the above items, feel free to call me prior to the meeting so that I may provide additional information.

**6.1
MINUTES
REGULAR MEETING**

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
January 19, 2011
2:00 P.M.**

I. CALL TO ORDER

Mayor Hack 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 Rhodes led the flag salute.

III. ROLL CALL

Mayor Hack announced that Councilmember Ring will not appear by teleconference.

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

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

IV. PRESENTATIONS – None

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

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

6.1 City Council Minutes

Approved the minutes from the December 15, 2010 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 2010 monthly Treasurer's Report.

6.4 Warrant Register

Approved the January 19, 2011 Warrant Register in the amount of \$557,473.74.

6.5 Citywide Zoning Code Modifications

Adopted Ordinance No. 11-01 implementing changes to the City's zoning code, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTERS 13.04, 13.06, 13.08, 13.10, 13.12, 13.13, AND 13.18 OF THE CITY'S MUNICIPAL CODE TO REMOVE OUTDATED AND EXTRANEIOUS LANGUAGE, APPROVING THE ZONE CHANGE FOR TEN SITES.

Adopted Ordinance No. 11-02 implementing changes to the City's zoning code, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 13.23 TO THE LAGUNA WOODS MUNICIPAL CODE, ESTABLISHING EMERGENCY AND TRANSITIONAL HOUSING SHELTER REGULATIONS

6.6 9-1-1 Fire/EMS Emergency Ambulance Services

Authorized the Mayor to execute a Consent to Transfer Agreement between Herren Enterprises, Inc. operating as Doctor's Ambulance Service (Doctor's) and American Medical Response Ambulance Services, Inc. (AMR), for the continued provision of 9-1-1 Fire/EMS emergency ambulance transportation and related services, subject to approval as to form by the City Attorney.

6.7 Traffic Light Synchronization

A. Approved and authorized the City Manager to execute, subject to approval as to form by the City Attorney, two Memorandums of Understanding with the Orange County Transportation Authority, affected South Orange County cities, and the California Department of Transportation for:

1. El Toro Road Traffic Light Synchronization Program Project (MOU No. C-0-1692); and
2. Edinger Avenue, Irvine Center Drive, Moulton Parkway and Street of the Golden Lantern Traffic Light Synchronization Program Project (MOU No. C-9-0625).

B. Approved Resolution No. 11-01 establishing a local signal synchronization plan for the City of Laguna Woods, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE ADOPTION OF A LOCAL TRAFFIC SIGNAL SYNCHRONIZATION PLAN FOR

THE CITY OF LAGUNA WOODS

VII. PUBLIC HEARINGS – None**VIII. CITY COUNCIL**

8.1 City Council Advisory Committee Appointments

At Mayor Hack's request, City Manager Keane read the list of proposed appointments, including the following additions:

Public Safety Committee

Linda Wilson, nominated by Mayor Hack

Lane Use and Design Review Committee

Dick Gayle, nominated by Mayor Pro Tem Conners

Ellen Dalrymple, nominated by Councilmember Robbins

Mayor Hack thanked the committee members for their contributions to the City.

Moved by Councilmember Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve Councilmember nominations and Committee Chair appointments to the Land Use/Design Review, Public Safety and Community Services Committees.

IX. CITY MANAGER

9.1 City of Laguna Woods Smoking Regulations

City Manager Keane summarized the agenda report and noted that if the City Council approves the concept of the proposed enforcement policy it will be integrated into the City's administrative citation regulations. The enforcement policy includes an education and warning process prior to citing individuals when staff has not witnessed a violation.

Kathleen Davis, a former and prospective resident of Laguna Woods, noted that Ronald Reagan Medical Center is misspelled on the agenda. She spoke in support of restricting smoking on patios and balconies, and about the detrimental health effects of smoking.

Dr. Monestursky, a cardiologist, discussed the harmful effects of secondhand smoke and his support for the proposed regulations.

Erica Phung, on behalf of the American Heart Association, applauded the City for being proactive about the health of its citizens and encouraged the City Council to approve the proposed regulations.

Denise Welch, resident, encouraged the City Council not to take away a smoker's right to smoke in their own home.

ITEM 6.1

David Frisone, resident, spoke in support of the proposed regulations and discussed the recurring problems he has with secondhand smoke from his neighbor.

Julie Landry, resident, spoke in support of the proposed regulations.

Charlene Sydow, resident, stated that she understands the concerns of non-smokers but opposes the proposed regulations because of the rights that would be taken away. She would prefer that people work with one another to resolve issues.

Gary Warren, resident, stated that he believes people have a right to do what they want with the space that they occupy. He would like to see people work together, rather than enact laws that take rights away.

Margo Firleyson, National Council on Alcoholism and Drug Dependency of Orange County – Community Alliance Network, commended the City Council for addressing this issue and discussed County resources that are available to help people quit smoking.

Carol Skydell, resident, stated her support for civil rights and asked if the smell of smoke is evidence of secondhand smoke being present in a unit.

Frank Harrigan, resident, asked if there is a penalty for getting reported by a neighbor for violating the regulations and if the regulations would apply to marijuana smoke. He is concerned with allowing others to control his actions.

Mayor Hack responded that the regulations would apply to all smokers.

Cynthia Schafer, resident, discussed her opposition to smoking and the dangers of second hand smoke. She encouraged the City Council to adopt the regulations.

Richard Palmer, resident, suggested that if there are filters that remove smoke from the air, smokers who install them should be able to smoke in their homes. He stated that it is wise for people not to smoke given the direction health care is going.

Mayor Hack thanked the public for their comments. He noted that concerns about the rights of individuals and civil rights exist and will be considered by the City Council.

Councilmember Robbins referred to Section 7.16.060(1) of the proposed ordinance and stated that, in his opinion, it means that smoking inside residences is permitted as long as the smoke does not go into a neighbor's residence.

City Manager Keane clarified that the section should be prefaced by a statement that private residences are exempt with the exception of Sections 7.16.030(g) and 7.16.030(h).

Councilmember Rhodes noted that Section 7.16.110 of the proposed ordinance details the penalties for violations. He stated that laws are often imposed in response to continual moral and ethical violations and that the City Council is responsive to alternate proposals, as evidenced by a possible new solution for no right turn on red restrictions. He finds it very difficult to justify contaminating other people's living and breathing space.

Mayor Pro Tem Conners thanked the public for their comments. She noted that the local population is particularly vulnerable to the effects of secondhand smoke and that laws are often created to regulate behavior that is harmful to an individual and others. She would be interested in knowing if the smell of smoke is indicative of secondhand smoke and if stale smoke is toxic. She expressed her support for prohibiting smoking on unenclosed patios and balconies.

Mayor Hack commented on issues raised by passing ordinances that regulate behavior and noted that the City Council will consider the proposed regulations in two parts. The first will concern unenclosed patios and balconies and the second will concern the interior of residences. He also expressed concern with adopting regulations that cannot be enforced due to a lack of staff.

City Manager Keane stated that to prohibit smoking on unenclosed patios and balconies, the ordinance would be as proposed with the following modifications:

- 1) Section 7.16.030(1)(h) would be removed
- 2) Amend Section 7.16.060(1) to read: "With the exception of locations identified in Section 7.16.030, private residences, except when used as a licensed child care, adult day care, or health care facility."

Moved by Councilmember Rhodes, seconded by Mayor Pro Tem Conners, and carried unanimously to approve the introduction and first reading of an ordinance not including Section 7.16.030(1)(h) that would make modifications to the current Laguna Woods' smoking regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND ESTABLISHING
CHAPTER 7.16 – SMOKING IN PUBLIC PLACES AND PLACES OF
EMPLOYMENT

Mayor Hack expressed concern with making too many significant changes to the regulations at one time. He would prefer that the item be returned for the City Council's consideration in a year or two.

Councilmember Rhodes stated that he appreciates the rights of individuals and stated that it is well established that smoking is dangerous. He agreed with Mayor Hack and hoped for a non-regulatory way to deal with the problem.

Councilmember Robbins stated that he has always been concerned for the rights of individuals. He would like to see the item returned for discussion in a year at which time the effect of existing regulations can be considered.

Mayor Pro Tem Conners stated that she is willing to go along with an incremental approach. She asked City Attorney McEwen if he is aware of other cities or entities that have limited smoking to inside homes with the windows closed.

ITEM 6.1

City Attorney McEwen responded that the City of Calabasas is a leader in anti-smoking regulations. The Cities of Belmont and Dublin have adopted ordinances similar to what is proposed.

City Manager Keane noted that the City of Belmont prohibits smoking inside multi-family residential units; without any distinction if they are apartments, co-ops, or individual homes. Calabasas and Dublin have ordinances that prohibit smoking in residential rental units in multi-family buildings of six or more units. Staff has not found a city in California with an ordinance allowing smoking inside residences only if windows and doors are shut.

Mayor Pro Tem Conners asked if the cities of Calabasas, Belmont, or Dublin have received any constitutional challenge.

City Attorney McEwen stated that he is not aware of any constitutional challenges to those cities or any ordinance across the country. He stated that it is approached as a policy issue rather than constitutional. Problems could arise depending on how stringent or invasive on personal space an ordinance is.

City Manager Keane stated that she believes that the other cities' ordinances were adopted in early 2007 and 2008.

Mayor Pro Tem Conners stated that she would like to solicit input from the public and from public health organizations regarding the status of anti-smoking efforts elsewhere in the country. She feels that the issues supporting prohibiting smoking on unenclosed patios and balconies are the same as prohibiting smoking inside a residence unless the windows are closed. She supports revisiting this issue in a year after it has been referred to the Public Safety Committee for consideration.

City Manager Keane clarified that a formal vote is not needed to table the issue. Staff will explore the issue with the Public Safety Committee and return it for the City Council's consideration in a year.

Mayor Hack stated his belief that the issue would be better addressed by housing mutuels, however he feels that is unlikely. He thanked the public for expressing their views in a mature manner.

City Manager Keane discussed the proposed enforcement policy.

The City Council expressed general consensus for incorporating the proposed enforcement policy into the City's Municipal Code.

9.2 Temporary and Permanent Sign Regulations

City Manager Keane summarized the agenda report.

Councilmember Rhodes asked for clarification on the note regarding nearby non-residential buildings of a similar purpose that are represented by the same agent

possibility being limited to less than one temporary real estate sign per building.

City Manager Keane explained that the provision may apply if there are vacancies in adjacent buildings of a similar purpose with the same owner.

City Manager Keane noted the introduction and first reading for the ordinance, as well as a public hearing, will be scheduled for the next meeting.

X. CITY ATTORNEY – No report

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Mayor Hack)

Mayor Pro Tem Hack discussed tolling methods and charges.

11.2 Orange County Library Board (Councilmember Robbins)

Mayor Robbins stated that there was no meeting.

11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes reported on union salary agreements and announced that the Board of Directors approved the transfer agreement of Doctor's Ambulance Service to American Medical Response Ambulance Service, Inc.

Mayor Hack noted that the transfer agreement was approved by City Council, as well, as part of this meeting's consent calendar.

11.4 Southern California Water Committee (Mayor Hack)

Mayor Hack announced that the next meeting is scheduled for tomorrow. He commented on issues related to the Sacramento Delta.

Councilmember Rhodes stated that he is scheduled to attend a tour in Sacramento with the Metropolitan and Municipal Water Districts and will provide a report at a later date.

Mayor Hack announced that he has participated in the tour in the past and believes that it is extremely useful.

11.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)

Mayor Pro Tem Conners stated that there was no meeting.

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes reported that the Foundation welcomed Max Borella as the new Executive Director and Michelle Kremer as the new Treasurer. The Foundation is

currently developing task forces to focus on education, stewardship, and fundraising.

11.7 Vector Control District Board (Councilmember Robbins)

Councilmember Robbins stated that the next meeting is scheduled for tomorrow.

XII. PUBLIC COMMENTS

Denise Welch, resident and Chairperson of Third Mutual's Smoking Committee, stated that she is looking for three smokers and three non-smokers living in Laguna Woods Village interested in serving on the committee. She asked interested persons to contact her.

Jennifer Marks, resident, questioned why Item 6.5 (Citywide Zoning Code Modifications) was not discussed.

City Manager Keane explained that the item was a part of the consent calendar and that there were no requests to remove the item for discussion.

Ms. Marks stated that the City would need to provide a disclaimer for home buyers regarding prohibitions on smoking inside residences.

Mayor Hack responded that any such prohibition will be considered in a year.

City Manager Keane clarified that the City Council never considered prohibiting smoking in individual units, but rather discussed prohibiting smoking with open windows and doors.

Charlene Sydow, resident, asked who asked for the smoking regulations and reiterated her opposition to them. She concurs with Ms. Marks that smoking prohibitions should be disclosed to future home buyers and noted that they may be a deterrent.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3) – None

13.2 Other Comments and Announcements

Councilmember Rhodes reported on the swearing in ceremonies for Shari Friedenrich as the Orange County Treasurer-Tax Collector and Sandra Hutchens as Sheriff-Coroner.

Mayor Pro Tem Conners reported that the City has obtained a grant to provide recycling opportunities in commercial centers. She also discussed a food waste recycling program and issues related to Orange County Waste & Recycling.

XIV. CLOSED SESSION

Mayor Hack stated that there is no need for a closed session.

XV. ADJOURNMENT

The meeting was adjourned at 3:55 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, February 16, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: February 16, 2011

BERT HACK, Mayor

6.2
WAIVE READING OF ORDINANCES AND
RESOLUTIONS
(No Report)

6.3
TREASURER'S REPORTS

City of Laguna Woods

Treasurer's Report

January 31, 2011

CASH ON HAND

1. Investments/General Fund

| | | |
|------------------------------|----|-----------|
| Local Agency Investment Fund | \$ | 9,045,348 |
| | | 9,045,348 |
| Subtotal | \$ | 9,045,348 |

2. Investments/Transportation Fund

| | | |
|------------------------------|----|---------|
| Local Agency Investment Fund | \$ | 711,761 |
| | | 711,761 |
| Subtotal | \$ | 711,761 |

3. Other Interest & Non-Interest Bearing/General & Transportation

| | | |
|---------------------------|-----------|-------------------|
| Petty Cash Funds | \$ | 484 |
| Analyzed Checking Account | \$ | 423,202 |
| | | 423,686 |
| Subtotal | \$ | 423,686 |
| | | 423,686 |
| TOTAL | \$ | 10,180,795 |

Note: LAIF reports interest earnings quarterly.



CITY of LAGUNA WOODS

Bert Hack
Mayor

January 28, 2011

Cynthia Conners
Mayor Pro Tem

Cynthia Conners
Councilmember

Bob Ring
Councilmember

Marty Rhodes
Councilmember

Leslie A. Keane
City Manager

TO: Honorable Mayor and Councilmembers

FROM: Ernestine Jones, Finance Manager and City Treasurer

SUBJECT: Quarterly Treasurer's Report: 2nd Quarter,
FY 2010/2011 (October 1 – December 31, 2010)

Attached is the 2nd Quarter, FY 2010/2011 Treasurer's Report for the period October 1 – December 31, 2010. The information provided includes a:

- ◆ Report showing quarter-ended Cash on Hand in the City's interest-bearing Local Agency Investment Fund (LAIF) account and in the City checking account and petty cash funds;
- ◆ Copy of the latest LAIF Remittance Advice showing quarter-ended principal balance and interest earned.

As City Treasurer, I certify that:

- ◆ All investment actions executed since the last report have been made in full compliance with the City of Laguna Woods Investment Policy; and
- ◆ The City of Laguna Woods will meet all expenditure obligations that might reasonably be anticipated for the next six months.

Ernestine Jones
Finance Manager & City Treasurer

City of Laguna Woods
Quarterly Treasurer's Report
October 1 - December 31, 2010

CASH ON HAND

1. Investments/General Fund

| | | |
|------------------------------|----|------------------|
| Local Agency Investment Fund | \$ | <u>8,445,348</u> |
| Subtotal | \$ | 8,445,348 |

2. Investments/Transportation Fund

| | | |
|------------------------------|----|----------------|
| Local Agency Investment Fund | \$ | <u>711,761</u> |
| Subtotal | \$ | 711,761 |

3. Other Interest & Non-Interest Bearing/General & Transportation

| | | |
|---------------------------|----|----------------|
| Petty Cash Funds | \$ | 530 |
| Analyzed Checking Account | \$ | <u>436,783</u> |
| Subtotal | \$ | 437,313 |

TOTAL

| | | |
|--|----|-------------------------|
| | \$ | <u><u>9,594,422</u></u> |
|--|----|-------------------------|

Note: LAIF reports interest earnings quarterly.



JOHN CHIANG

California State Controller

LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE

| | |
|----------------|--------------|
| Agency Name | LAGUNA WOODS |
| Account Number | 98-30-413 |

As of 01/14/2011, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 12/31/2010.

| | | |
|-------------------------------|----|--------------------|
| Earnings Ratio | | .00001248725439840 |
| Interest Rate | | 0.46% |
| Dollar Day Total | \$ | 1,050,515,454.40 |
| Quarter End Principal Balance | \$ | 9,143,991.42 |
| Quarterly Interest Earned | \$ | 13,118.05 |

6.4
WARRANT REGISTER

CITY OF LAGUNA WOODS
WARRANT REGISTER - FY 2011
February 16, 2011

| CK # | WR # | Vendor | Account | Item/Purpose | Amount |
|--------|---------|-------------------------------------|---------------|--|-----------|
| 109758 | 11-0858 | Saddleback Windows | 342.6590.7640 | CDBG Energy Efficiency Improvement Program | 13,915.00 |
| 109814 | 11-0859 | Patrick Foley | 001.6100.8110 | Employee Benefit Program Reimbursement/Dec 2010 | 160.63 |
| 109871 | 11-0860 | Leslie Keane | 001.6100.8110 | Employee Benefit Program Reimbursement/Dec 2010 | 964.06 |
| 109882 | 11-0861 | Southern California Water Committee | 001.6000.7203 | Quarterly Meeting/January 20, 2011/Hack | 70.00 |
| 109883 | 11-0862 | Sandra Verrall | 001.6100.7204 | Mileage Reimbursement/October-December 2010 | 162.95 |
| 109887 | 11-0863 | AT&T | 001.6590.7232 | Telephone/581-3974/December 2010 | 77.22 |
| 109888 | 11-0864 | | 001.6590.7232 | Telephone/583-1105/December 2010 | 15.47 |
| 109890 | 11-0865 | Charles Abbott Associates | 001.6400.7357 | Water Quality Consulting Services/December 2010 | 807.00 |
| 109891 | 11-0866 | Paul T. Calcaterra | 010.0000.4501 | Waste Diversion Deposit Refund | 900.00 |
| 109892 | 11-0867 | California Yellow Cab | 260.6700.7369 | NEMT/December 2010 | 4,014.00 |
| 109895 | 11-0868 | Captioning Unlimited | 260.6700.7369 | Taxi Voucher Services/December 2010 | 22,070.00 |
| 109896 | 11-0869 | Yu-Che Chow | 001.6100.7391 | Closed Captioning/City Council Meeting/January 2011 | 200.00 |
| 109901 | 11-0870 | D & E Electrical, Inc | 190.0000.2610 | Taxi Voucher Refund | 40.00 |
| 109902 | 11-0871 | El Toro Water District | 342.6590.7640 | EECBG Program/City Hall Lights | 9,452.64 |
| 109903 | 11-0872 | | 100.6700.7341 | City Hall/Landscape Irrigation/January 2011 | 2,875.54 |
| 109904 | 11-0873 | | 001.6700.7341 | Linear Park/Landscape Irrigation/January 2011 | 93.08 |
| 109905 | 11-0874 | | 001.6700.7341 | Dog Park Irrigation/January 2011 | 23.60 |
| 109906 | 11-0875 | | 001.6590.7231 | City Hall Utilities/December 2010 | 28.00 |
| 109907 | 11-0876 | Hogle-Ireland | 001.6590.7231 | City Hall Utilities/December 2010 | 92.54 |
| | | | 001.6400.7311 | Current Planning Services/November 2010 | 7,242.50 |
| | | | 010.6400.7331 | Deposit-Based Inspection Services/November 2010 | 675.00 |
| | | | 001.6400.7321 | Building & Safety Inspection/November 2010 | 7,800.00 |
| | | | 010.6400.7357 | GIS Services/Watershed Areas & Maps | 198.00 |
| | | | 001.6400.7312 | GIS Updates to Zoning Projects | 660.00 |
| | | | 001.6400.7322 | Structural Plan Check/November 2010 | 787.50 |
| 109909 | 11-0877 | ICMA Retirement Corporation | 001.6100.7303 | Quarterly Service Plan Fees/January-March 2011 | 125.00 |
| 109910 | 11-0878 | Leslie Keane | 001.6590.7232 | Cell Phone Expense Reimbursement/Dec. 2009-Dec. 2010 | 1,182.87 |
| 109914 | 11-0879 | McFadden Construction | 010.0000.4501 | Waste Diversion Deposit Refund | 1,200.00 |
| 109915 | 11-0880 | Patrick L. Meek | 010.0000.4501 | Waste Diversion Deposit Refund | 1,350.00 |
| 109916 | 11-0881 | Metropolitan Water District | 001.6000.7203 | Water Policy Forum and Dinner/Hack | 75.00 |
| 109917 | 11-0882 | Ocean Construction | 010.0000.4501 | Waste Diversion Deposit Refund | 960.00 |
| | | | 010.0000.4501 | | 1,080.00 |
| | | | 010.0000.4501 | | 1,350.00 |
| 109918 | 11-0883 | One Way Construction | 001.0000.4401 | Waste Diversion Deposit Refund | 900.00 |

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|--------|---------|---------------------------------|---------------|--|-----------|
| 109921 | 11-0884 | Pacific Landcrafters | 010.0000.4501 | Waste Diversion Deposit Refund | 2,550.00 |
| | | | 010.000.4501 | | 1,800.00 |
| 109925 | 11-0885 | Rutan & Tucker | 570.6590.7260 | Attorney Services/City Hall Acquisition | 27,434.78 |
| 109926 | 11-0886 | Sierra Installations | 001.6590.7906 | Change-Out Banners | 1,920.00 |
| 109928 | 11-0887 | Southern California Edison | 100.6700.7341 | Irrigation Controllers/January 2011 | 87.36 |
| 109930 | 11-0888 | Transamerica | 001.6400.8110 | Employee Benefit Program/January-March 2011 | 97.79 |
| 109934 | 11-0889 | Marion Zarlow | 190.0000.2610 | Taxi Voucher Refund | 39.00 |
| 109936 | 11-0890 | AT&T | 001.6590.7232 | Telephone/458-3487/January 2011 | 31.70 |
| 109937 | 11-0891 | Bon Appétit | 001.6500.7335 | Committee Luncheon/January 17, 2011 | 250.88 |
| 109938 | 11-0892 | Bonanza Steam Cleaning | 100.6700.7343 | Graffiti Removal | 155.00 |
| 109939 | 11-0893 | Burke, Williams & Sorensen, LLP | 570.6590.7260 | Legal Services/City Hall Acquisition/November 2010 | 591.25 |
| | | | 001.6100.7301 | Legal Services/Retainer/November 2010 | 2,709.76 |
| | | | 140.6590.7600 | Legal Services/Moulton Smart Street/November 2010 | 2,250.00 |
| 109943 | 11-0894 | Dennis Nelson, PE | 001.6700.7342 | Landscape Inspection/November 2010 | 3,540.00 |
| | | | 010.6700.7331 | Deposit-Based Engineering/November 2010 | 2,965.00 |
| | | | 100.6700.7332 | Engineering Services/November 2010 | 9,233.55 |
| | | | 100.6590.7600 | El Toro/Aliso Creek Project/November 2010 | 8,547.51 |
| | | | 110.6590.7600 | Santa Maria Multi-Modal Project/November 2010 | 9,825.33 |
| | | | 275.6590.7609 | City Centre Park/November 2010 | 3,830.00 |
| | | | 140.6590.7600 | Moulton Smart Street/Phase I/November 2010 | 10,215.00 |
| 109948 | 11-0895 | Lynn Capouya | 275.6590.7609 | City Centre Park/December 2010 | 1,714.30 |
| 109950 | 11-0896 | McFadden Construction | 010.0000.4501 | Waste Diversion Deposit Refund | 1,800.00 |
| 109954 | 11-0897 | SBLI of Massachusetts | 001.6100.8110 | Employee Benefit Program/January-March 2011 | 203.06 |
| 109955 | 11-0898 | Signs by Creations Unlimited | 001.6590.7906 | Signage and Installation | 795.50 |
| 109956 | 11-0899 | Southern California Edison | 001.6590.7231 | Utilities/City Hall/January 2011 | 1,035.51 |
| 109957 | 11-0900 | | 001.6700.7236 | Residential Streetlights/United/January 2011 | 1,980.64 |
| 109958 | 11-0901 | | 001.6700.7341 | Ridge Route Dog Park/January 2011 | 23.30 |
| 109959 | 11-0902 | The Gas Company | 001.6590.7231 | City Hall/January 2011 | 270.06 |
| 109961 | 11-0903 | Wilson T. Weisenburg | 010.0000.4501 | Waste Diversion Deposit Refund | 750.00 |
| 109962 | 11-0904 | Saddleback Windows | 340.6590.7640 | CDBG Energy Efficiency Improvement Program | 9,170.00 |
| 109963 | 11-0905 | | 342.6590.7640 | EECBG Program/City Hall Windows | 15,451.82 |
| 109964 | 11-0906 | Michael Balliet | 001.6700.7350 | Solid Waste & Recycling Consulting/January 2011 | 2,642.50 |
| | | | 365.6700.7349 | | 665.00 |
| 109967 | 11-0907 | Gary Gates | 001.6400.8110 | Employee Benefit Program/January 2011 | 418.28 |
| | | | 001.6590.7232 | Cell Phone Reimbursement/January 2011 | 40.00 |
| | | | 001.6100.7204 | Mileage Reimbursement/January 2011 | 182.58 |
| 109968 | 11-0908 | Gruber & Associates | 001.6100.7303 | Audit Services/Progress Billing/Fiscal Year 2010 Audit | 5,595.00 |
| 109970 | 11-0909 | Los Angeles Times | 001.6100.7221 | Newspaper Delivery | 45.20 |
| 109971 | 11-0910 | Metropolitan Water District | 001.6000.7203 | Water Policy Forum and Dinner/Rhodes | 75.00 |
| 109972 | 11-0911 | Orange County Register/Notices | 001.6400.7312 | Public Notices/Zoning Code | 166.50 |
| | | | 001.6100.7224 | Public Notices/November 2010 | 270.00 |

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|--------|---------|---------------------------------|---------------|--|------------|
| 109973 | 11-0912 | Douglas Reilly | 001.6100.8110 | Employee Benefit Program/January 2011 | 423.56 |
| 109974 | 11-0913 | Sagert Construction Company | 001.4401.0000 | Building Permit Refund | 184.22 |
| 109975 | 11-0914 | Southern California Edison | 110.6700.7346 | Traffic Signal Controllers/January 2011 | 873.19 |
| | 11-0915 | Allied Mechanical | 001.6590.7234 | Building Maintenance | 440.00 |
| | 11-0916 | American General | 001.6100.8110 | Employee Benefit Program/January-March 2011 | 127.20 |
| | 11-0917 | AT&T | 001.6590.7232 | White Pages Listing/February 2011 | 3.78 |
| | 11-0918 | | 001.6590.7232 | Telephone/639-0500/January 2011 | 179.87 |
| | 11-0919 | | 001.6590.7232 | Telephone/452-0600/January 2011 | 218.54 |
| | 11-0920 | | 001.6590.7232 | Telephone/770-9359/January 2011 | 15.72 |
| | 11-0921 | Bank of America - Credit Card | 2601 | See Below | 129.22 |
| | 11-0922 | Burke, Williams & Sorensen, LLP | 140.6590.7600 | Legal Services/Moulton Smart Street/November 2010 | 3,195.00 |
| | | | 001.6100.7301 | Legal Services/Retainer/November 2010 | 10,660.12 |
| | 11-0923 | Burke, Williams & Sorensen, LLP | 570.6590.7260 | Legal Services/City Hall Acquisition/November 2010 | 255.79 |
| | | | 570.6590.7260 | Legal Services/City Hall Acquisition/December 2010 | 2,309.53 |
| | 11-0924 | CA Soc. of Muni Fin. Officers | 001.6100.7301 | Legal Services/Retainer/December 2010 | 11,811.83 |
| | 11-0925 | California Yellow Cab | 140.6590.7600 | Legal Services/Moulton Smart Street/December 2010 | 1,895.20 |
| | | | 001.6100.7203 | March 2011 Meeting/Jones | 35.00 |
| | | | 260.6700.7369 | NEMT/January 2011 | 3,510.00 |
| | 11-0926 | CIT Technology | 260.6700.7369 | Taxi Voucher Services/January 2011 | 14,204.00 |
| | 11-0927 | County of Orange/Sheriff | 001.6100.7222 | Copier Lease/March 2011 | 647.07 |
| | | | 001.6600.7351 | Sheriff Services/February 2011 | 102,742.59 |
| | | | 230.6600.7351 | | 8,333.33 |
| | 11-0928 | County of Orange | 001.6400.7357 | Newport Bay TMDL Cost-Share/Fiscal Year 2010-2011 | 9,017.70 |
| | 11-0929 | | 001.6100.7307 | November 2010 Election/Signature Verification | 146.20 |
| | 11-0930 | | 110.6590.7600 | Moulton Smart Street/November 2010 | 108,407.68 |
| | 11-0931 | | 110.6590.7600 | Moulton Smart Street/Phase I/December 2010 | 553,508.49 |
| | 11-0932 | County of Orange/Streets | 110.6700.7343 | Street Maintenance/December 2010 | 15,314.67 |
| | | | 110.6700.7347 | | 2,741.28 |
| | 11-0933 | Dennis Nelson, PE | 140.6590.7600 | Moulton Smart Street/Phase I/November 2010 | 130.00 |
| | 11-0934 | Dennis Nelson, PE | 001.6700.7342 | Landscape Inspection/December 2010 | 13,398.38 |
| | 11-0935 | | 010.6700.7331 | Deposit-Based Engineering/December 2010 | 910.00 |
| | 11-0936 | | 010.6700.7332 | Deposit-Based Traffic Engineering/December 2010 | 10,050.00 |
| | 11-0937 | | 100.6700.7332 | Engineering Services/November 2010 | 3,027.29 |
| | 11-0938 | | 100.6700.7341 | Landscape Inspection/December 2010 | 3,945.00 |
| | 11-0939 | | 100.6590.7600 | El Toro/Aliso Creek Project/December 2010 | 6,033.85 |
| | 11-0940 | | 110.6590.7600 | Santa Maria Multi-Modal Project/December 2010 | 15,210.90 |
| | 11-0941 | | 140.6590.7600 | Moulton Smart Street/Phase I/December 2010 | 12,377.50 |
| | 11-0942 | Petty Cash | 001.0000.0010 | To Replenish Petty Cash Fund | 516.31 |
| | 11-0943 | Donahue Hawran & Malm, LLC | 570.6590.7260 | Real Estate Appraisal/City Hall Acquisition | 7,300.00 |
| | 11-0944 | Doug Fisher | 001.4401.0000 | Building Permit Refund | 8.64 |
| | 11-0945 | Dorothy Ellington | 190.0000.2610 | Taxi Voucher Refund | 32.00 |

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| | | | | |
|---------|-------------------------------|---------------|--|-----------|
| 11-0946 | Jeannette Hawkinson | 190.0000.2610 | Taxi Voucher Refund | 22.00 |
| 11-0947 | Laurus Construction | 001.6590.7234 | Building Repairs/City Hall | 570.00 |
| 11-0948 | Office Depot | 001.6100.7221 | Office Supplies | 64.16 |
| 11-0949 | OfficeMax | 001.6100.7221 | Office Supplies | 232.62 |
| 11-0950 | P.F. Pettibone | 001.6100.7221 | Office Supplies/Ordinance Books | 118.45 |
| 11-0951 | Southern California Edison | 100.6700.7237 | Safety Lights over Traffic Signals/January 2011 | 414.51 |
| 11-0952 | | 001.6700.7236 | Residential Streetlights/Third Mutual/January 2011 | 4,336.45 |
| 11-0953 | | 001.6700.7236 | Right of Way/January 2011 | 2,164.99 |
| 11-0954 | WM Curbside | 001.6700.7349 | Household Hazardous Waste/E-Waste/December 2010 | 2,660.16 |
| | | 361.6700.7349 | Door-to-Door Collections/December 2010 | 3,239.50 |
| | | 001.6700.7349 | Medical Waste/December 2010 | 96.79 |
| | | 001.6700.7349 | Battery Collections/Fluorescent/December 2010 | 523.90 |
| 11-0955 | The Bee Man | 110.6700.7343 | Bee Removal/Calle Sonora & El Toro Lightpole | 180.00 |
| 11-0956 | US Lighting Tech | 342.6590.7640 | Lighting Fixtures | 1,626.90 |
| 11-0957 | Southern California Edison | 140.6590.7600 | Moulton Smart Street Project | 1,230.10 |
| 11-0958 | Yolie Trippy | 001.6100.8110 | Employee Benefit Program/February 2011 | 500.00 |
| 11-0959 | Great Cleaning Services, Inc. | 001.6590.7234 | Janitorial Service/January 2011 | 495.00 |
| | | | Janitorial Supplies/January 2011 | 113.00 |
| 11-0960 | Sonitrol | 001.6590.7234 | City Hall/Alarm System Maintenance/February 2011 | 55.53 |
| 11-0961 | Redflex | 001.6600.7371 | Redlight Photo Enforcement/February 2011 | 25,000.00 |
| 11-0962 | Commpro | 001.6100.7391 | Website Hosting Services/February 2011 | 295.00 |
| 11-0963 | Orkin | 001.6590.7234 | City Hall/Building Maintenance/February 2011 | 79.71 |
| 11-0964 | Practical Data Solutions | 001.6100.7391 | Information Technology Services/February 2011 | 1,080.00 |
| 11-0965 | KONE, Inc. | 001.6590.7234 | Elevator Maintenance/City Hall/February 2011 | 167.45 |
| 11-0966 | Nieves Landscape, Inc. | 001.6700.7341 | Landscape Maintenance/February 2011 | 10,605.42 |
| 11-0967 | Leslie Keane | 001.6100.7204 | Automobile Allowance/March 2011 | 450.00 |
| 11-0968 | Ernestine Jones | 001.6100.8110 | Employee Benefit Program/February 2011 | 266.34 |
| 11-0969 | Sandra Verrall | 001.6590.7232 | Cell Phone Reimbursement/February 2011 | 25.00 |
| 11-0970 | Douglas Reilly | 001.6100.8110 | Employee Benefit Program/March 2011 | 51.00 |
| 11-0971 | Vision Service Plan | 001.6590.7232 | Cell Phone Reimbursement/March 2011 | 79.50 |
| | | 001.6100.8110 | Employee Benefit Program/March 2011 | 147.23 |
| | | 001.6400.8110 | | 20.30 |
| 11-0972 | CalPers/Health | 001.6100.8110 | Employee Benefit Program/March 2011 | 2,716.82 |
| | | 001.6400.8110 | | 477.95 |
| | | 001.6100.7391 | | 11.82 |
| 11-0973 | CitiStreet/CalPers 457 Plan | 001.6100.8110 | Employee Benefit Program/March 2011 | 273.00 |
| | | 001.6400.8110 | | 300.00 |
| 11-0974 | Vantage Point/ICMA 457 Plan | 001.0000.2601 | Employee Contributions/March 2011 | 800.00 |
| | | 001.6100.8110 | Employee Benefit Program/March 2011 | 1,222.84 |
| | | 001.6400.8110 | Employee Benefit Program/March 2011 | 500.00 |

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|---------|-----------------------------|--|---------------|--|-----------|
| 11-0975 | AFLAC | | 001.6100.8110 | Employee Benefit Program/March 2011 | 243.70 |
| | | | 001.6400.8110 | | 67.10 |
| 11-0976 | | | 001.6100.7303 | Program Fees/March 2011 | 50.00 |
| 11-0977 | Managed Health Network | | 001.6100.8110 | Employee Benefit Program/March 2011 | 17.29 |
| | | | 001.6400.8110 | | 4.94 |
| 11-0978 | Delta Dental | | 001.6100.8110 | Employee Benefit Program/March 2011 | 544.53 |
| | | | 001.6400.8110 | | 47.24 |
| 11-0979 | Principal Financial Group | | 001.6100.8110 | Employee Benefit Program/March 2011 | 377.01 |
| | | | 001.6400.8110 | | 73.48 |
| 11-0980 | Cynthia Conners | | 001.6000.8102 | February Compensation | 300.00 |
| 11-0981 | Bert Hack | | 001.6000.8102 | February Compensation | 300.00 |
| 11-0982 | Martin Rhodes | | 001.6000.8102 | February Compensation | 300.00 |
| 11-0983 | Robert Ring | | 001.6000.8102 | February Compensation | 300.00 |
| 11-0984 | Milt Robbins | | 001.6000.8102 | February Compensation | 300.00 |
| 11-0985 | ADP | | 001.6100.8101 | Payroll Ending 1/14/11 Full-time Staff | 22,127.15 |
| | | | 001.6100.8102 | Payroll Ending 1/14/11 Part-time Staff | 585.50 |
| | | | 001.0000.2601 | Deferred Comp/Payroll Ending 1/14/11 | -400.00 |
| | | | 001.0000.2180 | FSA Payable/Payroll Ending 1/14/11 | -359.30 |
| | | | 001.6400.8101 | Payroll Ending 1/14/11 Full-time Staff | 4,659.00 |
| | | | 001.6100.8111 | Payroll Taxes- Employer | 2,703.98 |
| | | | 001.6400.8111 | Payroll Taxes- Employer | 356.41 |
| | | | 001.6100.2601 | Deferred Comp/Payroll Ending 1/14/11 | -1,219.80 |
| | | | 190.6500.8101 | Payroll Ending 1/14/11 Full-time Staff | 540.00 |
| | | | 190.6500.8102 | Payroll Ending 1/14/11 Part-time Staff | 472.50 |
| | | | 190.6500.8111 | Payroll Taxes- Employer | 77.46 |
| 11-0986 | ADP | | 001.6100.7303 | Payroll Processing | 111.14 |
| 11-0987 | CalPERS Retirement | | 001.6100.8112 | Retirement System/Payroll Ending 1/14/11 | 3,842.31 |
| | | | 001.6400.8112 | | 789.75 |
| 11-0988 | ICMA Retirement Corporation | | 001.6100.8101 | Deferred Comp/Payroll Ending 1/14/11 | 400.00 |
| | | | 001.0000.2601 | Deferred Comp/Payroll Ending 1/14/11 | 1,219.80 |
| | | | 001.6100.8101 | Payroll Ending 1/28/11 Full-time Staff | 22,127.15 |
| | | | 001.6100.8102 | Payroll Ending 1/28/11 Part-time Staff | 628.50 |
| 11-0989 | ADP | | 001.0000.2601 | Deferred Comp/Payroll Ending 1/28/11 | -400.00 |
| | | | 001.0000.2180 | FSA Payable/Payroll Ending 1/28/11 | -359.30 |
| | | | 001.6400.8101 | Payroll Ending 1/28/11 Full-time Staff | 4,659.00 |
| | | | 001.6100.8111 | Payroll Taxes- Employer | 2,349.15 |
| | | | 001.6400.8111 | Payroll Taxes- Employer | 356.41 |
| | | | 001.6100.2601 | Deferred Comp/Payroll Ending 1/28/11 | -1,219.80 |
| | | | 190.6500.8101 | Payroll Ending 1/28/11 Full-time Staff | 540.00 |
| | | | 190.6500.8102 | Payroll Ending 1/28/11 Part-time Staff | 487.50 |
| | | | 190.6500.8111 | Payroll Taxes- Employer | 78.60 |

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|---------|-----------------------------|---------------|--|--------------|
| 11-0990 | ADP | 001.6100.7303 | Payroll Processing | 111.14 |
| 11-0991 | CalPERS Retirement | 001.6100.8112 | Retirement System/Payroll Ending 1/28/11 | 3,842.31 |
| | | 001.6400.8112 | | 789.75 |
| 11-0992 | ICMA Retirement Corporation | 001.6100.8101 | Deferred Comp/Payroll Ending 1/28/11 | 400.00 |
| | | 001.0000.2601 | Deferred Comp/Payroll Ending 1/28/11 | 1,219.80 |
| | TOTAL | | | 1,274,841.25 |

Void Check(s): 109943, 109953

February

| | | | | | |
|-------|-------|------------------------|---------------|--------------------|-------|
| Debit | Debit | Orange County Register | 001.6100.7221 | Newspaper Delivery | 25.94 |
| Debit | Debit | Overnight Express | 001.6100.7223 | Delivery Charges | 50.08 |
| Debit | Debit | FedEx | 001.6100.7223 | Delivery Charges | 53.20 |

6.5
CITY CENTRE PARK
(No Report)

7.1
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY INITIATIVE

**City of Laguna Woods
Agenda Report**

FOR: February 16, 2011 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager 
AGENDA ITEM: Disaster Recovery Initiative Grant Application

Recommendation

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Approve a resolution authorizing staff to submit a grant application to the State of California for the purpose of disaster-related planning activities entitled:

A RESOLUTION OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, APPROVING SUBMITTAL OF AN APPLICATION
FOR 2008 DISASTER RECOVERY INITIATIVE FUNDING

Background

Under the State of California's 2008 Disaster Recovery Initiative, federal funds are available to cities that were included in the presidential major disaster declaration for the wildfires of November 2008. The City of Laguna Woods was included in the declaration and is eligible to apply for a maximum of \$150,000 of funding for hazard mitigation planning activities. Staff expect that the maximum grant award will be raised to \$250,000 in the near future. The funding is awarded on a non-competitive, over the counter basis, under the direction of the State Department of Housing and Community Development's Community Development Block Grant

(CDBG) Program. Pursuant to federal regulations, a public hearing and resolution from the City Council is required in order to submit an application.

Discussion

Staff has consulted with the Department of Housing and Community Development and is recommending that the City apply for \$150,000 (including \$1,500 in general administrative expenses) for use as follows:

1. Development of a Local Hazard Mitigation Plan – Hazard mitigation plans form the foundation for a city’s long-term strategy to reduce disaster losses. Hazard mitigation planning involves assessing hazards, vulnerabilities, and risks and identifying strategies for effective mitigation. Hazard mitigation plans are regulated by federal law and require approval from the California Emergency Management Agency (Cal EMA) and the Federal Emergency Management Agency (FEMA). Development of a hazard mitigation plan is a condition for receiving certain non-emergency disaster grant assistance.
Amount Requested: \$70,000
2. Comprehensive Update of the General Plan’s Safety Element – The General Plan’s Safety Element has not been updated since it was adopted in 2002. The proposed update would be broad in nature, including but not limited to consideration of objectives, policies, and implementation measures; updated and new maps and visual aids; incorporation of the local hazard mitigation plan; and modifications to ensure continued compliance with state law.
Amount Requested: \$46,500
3. Development of a Wildland-Urban Interface Area Evacuation Plan Annex – Plan annexes are documents included in local emergency operations plans that focus on the performance of critical tasks and functions. Development of a wildland-urban interface area evacuation plan annex would describe the local process for temporarily evacuating and sheltering those portions of the City that could be threatened by fire events in bordering wildland areas. The annex would analyze higher risk residential areas; detail responsibilities for evacuation and shelter activities (including public and private collaboration); describe evacuation notifications, routes and methods; identify and inventory short-term and long-term shelter locations; and consider means by which residents would be supported during their transition into and out of shelters. The annex would include accommodations for special needs populations and

animals. It would be integrated with related government (e.g., City, County) and private non-profit (e.g., homeowners associations) emergency plans.

Amount Requested: \$30,000

4. Development of Fire Watch Patrol Maps – The City and Orange County Fire Authority use City volunteers to monitor the wildland-urban interface area for signs of fire danger during high-risk weather conditions. The current fire watch patrol maps are hand drawn and would be improved to enhance their usefulness and the efficiency of patrols. New maps would be created using geographic information system (GIS) data and ground level photography.

Amount Requested: \$2,000

In the event that maximum grant award is raised to \$250,000, staff recommends that the City apply for the following projects in addition to the aforementioned projects, for a total of \$250,000 (including \$5,000 in general administrative expenses).

5. Vulnerability Assessment of the City's Emergency Operations Center (EOC) and Development of Mitigatory Design Plans – The City anticipates that one of the implementation action items included in the Local Hazard Mitigation Plan will involve improving the City's primary EOC in order to facilitate an effective response to wildfires and other emergencies. The City's EOC is poorly protected and not ideally suited to accommodate the multi-discipline, communication-intensive, and sustained operations necessary to effectively implement emergency plans. In addition, the EOC is located in the City's lone municipal building, which heightens the need for an adaptive, secure, and multifunctional space. The EOC Vulnerability Assessment would identify hazards, vulnerabilities, and resultant risks, as well as deficiencies and needs, including issues related to facility features, survivability, security, sustainability, interoperability, and flexibility. Following the assessment, conceptual and/or architectural design plans would be developed to begin to mitigate vulnerabilities, as well as plan for City Hall's possible concurrent use as City Hall, an EOC, department operations center for contract service providers, and resource staging area. Federal guidance would form the basis of the assessment and support the design process.

Amount Requested: \$61,500

6. Development of an Interoperable, Wireless Communication System Plan for Wildland-Urban Interface Area Shelter Locations – The City anticipates that one of the implementation action items included in the Local Hazard Mitigation Plan will involve establishing redundant communications links

between the shelter locations identified in the wildland-urban interface area evacuation plan and the City's primary and alternate EOCs. Development of a communication system plan would conceptualize and design the necessary infrastructure to establish an interoperable, wireless communications system.
Amount Requested: \$35,000

If the City receives the funding as requested, the projects would be completed in the 2011-2012 and 2012-2013 fiscal years with assistance from outside consultants.

Fiscal Impact

The 2008 Disaster Recovery Initiative grant would be used to fund 100% of project costs. There is no matching funds requirement and existing staff would be used to manage the projects. Local hazard mitigation plans are required to be updated and reapproved by Cal EMA and FEMA at least every five years after the original date of adoption. Updates must demonstrate that reasonable progress has been made in implementing the previously approved hazard mitigation plan. If the local hazard mitigation plan is not reapproved after five years, the City will be ineligible for certain non-emergency disaster assistance until reapproval occurs.

Conclusion

The projects proposed for the City's Disaster Recovery Initiative grant application will improve local public safety/emergency management capabilities and open new grant funding opportunities for non-emergency disaster assistance. The Disaster Recovery Initiative is an avenue to complete the projects at no cost to the City.

Attachment: Proposed Resolution

Report prepared by: Chris Macon, Special Projects Manager 

RESOLUTION NO. 11-XX

A RESOLUTION OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
APPROVING SUBMITTAL OF AN APPLICATION FOR 2008
DISASTER RECOVERY INITIATIVE FUNDING

WHEREAS, the City of Laguna Woods is eligible to participate in the State of California's Community Development Block Grant 2008 Special Disaster Recovery Assistance Initiative; and

WHEREAS, the City Council of the City of Laguna Woods held a duly noticed public hearing on February 16, 2011 to receive input from the public on its proposed application.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby approves submittal of an application and any subsequent amendments for funding in an amount not to exceed \$250,000 under the State of California Community Development Block Grant Program Special Notice of Funding Availability, 2008 Disaster Recovery Initiative, for the purpose of developing a local hazard mitigation plan; updating the General Plan's Safety Element; developing a wildland-urban interface area evacuation plan annex; developing fire watch patrol maps; preparing a vulnerability assessment of the City's emergency operations center and developing related mitigatory design plans; and/or developing an interoperable, wireless communication system plan for wildland-urban interface area shelter locations.

SECTION 2. The City Manager or designee is hereby authorized and directed to execute the application, contracts, and any subsequent amendments for funding described in Section 1 above, as well as any requests for funds, reporting forms and documentation necessary to secure grant funds and implement grant projects.

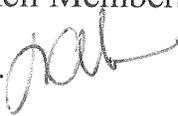
SECTION 3. The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED ON this ____ day of February 2011.

BERT HACK, Mayor

7.2
ESTABLISH AND MODIFY BUILDING AND
SAFETY FEES

City of Laguna Woods Agenda Report

FOR: February 16, 2011 City Council Meeting
TO: Honorable Mayor and Council Members
FROM: Leslie Keane, City Manager 
AGENDA ITEM: Establish and Modify Building and Safety Fees

Recommendation

Approve a resolution modifying certain building permit fees, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING
FEES FOR SINGLE PLY ROOFING AND ROOFTOP
PHOTOVOLTAIC SYSTEMS.

Background

Upon incorporation, the City of Laguna Woods adopted County of Orange, Building Development Fees (planning and building). These have been modified periodically by the City Council as warranted.

Discussion

Staff is suggesting new and reduced fees for two types of environmentally friendly building permits.

Item 1: Rooftop Photovoltaic (PV) Systems

The City fees for Photovoltaic (PV) systems are based on the valuation chart inherited from the County of Orange at incorporation. Although, the City has processed several residential solar projects, it has not issued a permit for a commercial project.

The Sierra Club recently surveyed local jurisdictions and identified average times for planning, engineering plan reviews and inspections for photovoltaic systems. Based on this information and current staff and consultant hourly rates, staff is proposing that Council adopt one of the following fee schedules:

| PV Category | PV System Size | Full Cost Fee* | Alternate Fee* |
|--------------------|--|-----------------------|-----------------------|
| 1 | Small Systems 0 to 5 kw systems, which do not exceed 300 square feet. | \$285 | \$235 |
| 2 | Medium Systems: Small system which exceed 300 sq. ft. and/or are 6 – 19 kw. | \$631 | \$471 |
| 3 | Large Systems 20 kw and larger. | \$1,654 | \$1,257 |

*** Proposed fees are only for the electrical PV permit and do not include fees for building structural retrofit if required. The above fee also does not include the permit issuance fee (currently \$18) and any state fees.**

The proposed full cost fee above includes overhead costs on consultant service in addition to hourly rates. In addition, the City currently subsidizes the permit cost for small systems; property owners pay only \$112; the recommendation is to continue this subsidy program for the remainder of the current fiscal year.

Item 2: Single-ply Roofing Material

The City uses “per square foot” values for roofing products to set its permit fees. These values are not the actual valuation of the work that will be performed but rather an average value that is used to calculate building permit fees. Individual property owners may contract for services at vastly different rates, depending on a variety of factors associated with the particular job. The cost for the City to plan check, issue a permit, and inspect does not necessarily relate to the cost paid for the work.

The City’s current Building and Safety Rate Table does not contain a rate for newer single-ply roofing materials. Staff reviewed permits issued in 2010 for this type of roofing material and identified an average of five inspections

per permit for an average building roof size of 7,772 square feet. The average City staff inspection cost for inspectors including overhead is \$95.19/hour. The approximate inspection, office and drive time per inspection is 35 minutes, or \$55.65. Using these figures, staff has identified an average value of \$2/square foot for the purpose of calculating the building permit fee for this type of roof, and is recommending the addition of that valuation to the Building and Safety Rate Table.

Fiscal Impact

Government Code Section 66014 requires that fees established by a local jurisdiction not exceed the estimated reasonable cost of service provided. The proposed fees are intended to offset the City's actual cost to provide the particular services.

Environmental Review

The adoption of the proposed fee resolution is statutorily exempt under Section 15273 of the California Environmental Quality Act guidelines.

Conclusion

Staff is recommending new flat fees for three types of photo-voltaic systems and a new square foot valuation for single-ply roof systems. If approved, the new fees would be effective April 18, 2011.

Fee Calculations provided by: Gary Gates, Building Official



Attachments: Proposed Resolution

RESOLUTION NO. 11 -XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING FEES FOR SINGLE-PLY ROOFING AND ROOFTOP PHOTOVOLTAIC SYSTEMS**

WHEREAS, pursuant to the provisions of the California Constitution and the laws of California, the City of Laguna Woods is authorized to adopt and implement fees, rates and charges for municipal services; provided such fees, rates and charges do not exceed the estimated reasonable cost of providing such service; and

WHEREAS, the City of Laguna Woods adopted the County of Orange Building and Safety rates on March 24, 1999; and

WHEREAS, the adopted City of Laguna Woods Building and Safety rates have been amended from time to time to reflect the actual costs of providing services; and

WHEREAS, the cost of providing Building and Safety services for certain projects is not always consistent with the project valuation due to selection of more expensive materials that function in the same way as less expensive materials; and

WHEREAS, establishing certain flat fees for construction projects based on required inspections will result in a more equitable fee for Laguna Woods' property owners while maintaining a desired level of cost recovery for the City; and

WHEREAS, The proposed additional charges to existing permit fees are not subject to the requirements of Proposition 26 because these fee charges are not 'taxes' under Section 1(e) of Article XIII C of the California Constitution. These fees (1) are charges imposed for a specific government service provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the City of providing the services, and (2) the charges are imposed for the reasonable regulatory costs to the City of issuing building permits and performing related investigations and inspections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Based on the evidence presented at the public meeting and within the staff report, the City Council hereby amends the Building and Safety Fee Table to add building permit fees for photovoltaic systems as follows:

(City Council to select the appropriate fees during the meeting)

| | | | | |
|------------|---------------------------------|---------|----|---------|
| Category 1 | 0-5kw and less than 300 sq. ft. | \$ 235 | or | \$ 285 |
| Category 2 | 6-19kw | \$ 471 | or | \$ 631 |
| Category 3 | 20kw+ | \$1,257 | or | \$1,654 |

SECTION 2. Based on the evidence presented at the public meetings and within the staff report, the City Council hereby amends the Laguna Woods Building and Safety Rate Table to add the following valuation:

Project Code 30
REROOFING
Single ply roofing material \$2/square foot

SECTION 3. In accordance with Section 66017 of Government Code, the effective date of this resolution shall be April 18, 2011.

PASSED, APPROVED AND ADOPTED ON this ____ day of February 2011.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

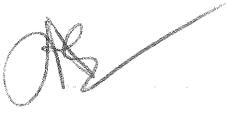
I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Resolution No. 11-XX** was duly adopted
by the City Council of the City of Laguna Woods at a regular meeting thereof, held
on the ___ day of February 2011, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

YOLIE TRIPPY, Deputy City Clerk

7.3
TEMPORARY AND PERMANENT SIGN
REGULATIONS

**City of Laguna Woods
Agenda Report**

FOR: February 16, 2010 City Council Meeting
TO: Mayor and City Councilmembers
FROM: Leslie A. Keane, City Manager 
AGENDA ITEM: Temporary and Permanent Sign Regulations

Recommendation (Staff and Land Use and Design Review Committee)

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Introduce and approve first reading of an ordinance establishing sign regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.06 AND REPEALING AND REPLACING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS

Background

The majority of the City's sign regulations were inherited from the County of Orange. Since incorporation, the City Council has made a number of incremental changes to the regulations to deal with immediate concerns. In some instance this has resulted inconsistencies within the regulations and/or the need to refer to multiple documents for clarification. In 2009 and 2010, staff worked with an

intern from the University of California, Irvine, to review the current regulations and compare them with other Southern California cities. At its January 19, 2011 meeting, the City Council reviewed the proposed changes and asked staff to return with an ordinance implementing them.

Discussion

Staff is proposing a number of changes to current regulations; these are intended to 1) reorganize the sign code sections in the Municipal Code for ease of use and clarity and 2) make regulations internally consistent and more reflective of current municipal and business practices.

Substantive recommendations are summarized below.

Permanent Signs

- Increase the maximum height of freestanding monument signs and center identification signs from 4 feet to 5 feet; 5 ½ feet including base.
- Allow residential tract developments and gas stations to apply for freestanding monument sign permits pursuant to the following minimum design standards:

| Sign type and eligible sites | Maximum number | Maximum area | Maximum height | Additional requirements |
|--|-----------------------|---|---|---|
| Freestanding monument signs: for residential tract developments. | 1 per entrance | Shall not exceed a maximum aggregate area of 40 square feet per sign. | 5 feet for sign face; 5 ½ feet including base | Signs on decorative garden walls or retaining walls (e.g. curved, angled or similar walls integrated into a project entry or perimeter) are encouraged. In cases where such walls are on both sides of a dedicated entry drive, 2 signs are permitted per entrance. |

| Sign type and eligible sites | Maximum number | Maximum area | Maximum height | Additional requirements |
|--|--|---|---|---|
| Freestanding monument signs: for individual gas stations or "combination" uses, which combine a gas station with a car wash, fast food restaurant, convenience store, etc. | 1 per street frontage; no more than 2 per site | Shall not exceed a maximum aggregate area of 40 square feet per sign. | 5 feet for sign face; 5 ½ feet including base | Gas prices must display the actual price per gallon of all grades of gasoline, including taxes and other charges. |

- Allow country clubs (e.g., Laguna Woods Village clubhouses, golf courses), congregate care facilities (e.g., The Regency, Las Palmas), and apartment/condominium complexes (e.g., Whispering Fountains, San Sebastian, Rossmoor Towers) to apply for wall sign permits. Continue to allow non-residential uses to apply for wall sign permits.
- Remove “highway commercial,” add “residential community” and add “community facilities” districts to the section regulating freestanding flag poles. [This would align the existing regulations with recent zoning code modifications]

Temporary Signs

- Add a new permit type titled “interim identification banner signs” for tenants to use for a maximum of 30 days during permanent sign change outs where new permanent signage has been approved by the City Manager but is not yet installed.
- Remove the three color restriction on banner signs.
- Allow the City Manager to authorize banner sign placement in locations other than flush against the building based on sight line constraints

(including hung between two firm and sturdy object such as trees). [This would not apply to real estate banner signs.]

- Base the number of days a banner sign can be displayed on a calendar year, instead of a rolling 12 month period.
- Prohibit more than 30% of the tenants in a multi-tenant building or a shopping center from displaying banners at the same time.
- Clarify that banner signs are for use by tenants; not non-tenant property managers/owners.
- Clarify the use of sandwich board signs, allowing their continuous use for restaurants in lieu of outdoor menu signs and use by other retail businesses for 30 day periods in lieu of banner signs.
- Allow the City Manager to waive a single 30-day removal requirement for banners signs for commercial businesses that are going out of business (i.e., if a business is going out of business, they could display a “going out of business” banner for 60 consecutive days, if they have at least 60 of their 120 day display limit left – this would not allow for more than 120 days of display per year).
- Remove the requirement that freestanding temporary signs be made of wood or metal.
- Increase the display period for temporary window signs from 30 days to 60 days.
- Clarify that temporary window signage includes any sign temporarily attached, painted, posted, or displayed flush against a window or located inside within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the building in which the window is located.
- Prohibit commercial center decorative signs (e.g., pennants) from linking light standards.
- Prohibit banner signs from being used as real estate signs except as provided for under the real estate banner sign section of the Code.

- Prohibit promotional banner signs from being displayed concurrent with real estate banner signs.
- Allow shopping centers with five or more units to display real estate banner signs in lieu of a real estate sign if they have 60% or higher vacancy. Use of temporary tenant banners would not be allowed in conjunction with these.
- Add new temporary sign types not requiring a sign permit for:
 - *Construction entrance and exit signs* – Not to exceed 24 square feet each; limited to a maximum of one entrance and exit per construction site.
 - *Garage, estate, and yard sale signs* – Subject to the same regulations as open house signs, including: (i) may be displayed between dawn to dusk, while the sale is in progress; (ii) limited to a total of three per common interest development unit and one per single family home, and (iii) shall not exceed four square feet.
 - *Residential decorative signs* (noncommercial banners, flags, garland, pennants, and other signs related to a holiday, season, noncommercial event or affiliation) – Shall not exceed 10 square feet each but otherwise permitted without limitation.
 - *Incidental signs* (e.g., street address, “protected by alarm,” “beware of dog”) – Shall not exceed three square feet each but otherwise permitted without limitation.
 - *Private traffic control signs* – May contain content similar to a traffic signs so long as the signage does not interfere with, mislead or confuse traffic on City-owned streets. Permitted as required by a site development permit or at the discretion of the private property owner.
 - *Club function signs* (e.g., “club meeting today” displayed outside a room and/or onsite directing guests to a room) – Freestanding temporary signs and temporary easel signs are permitted without limitation, subject to the following:

- Must be temporary in nature and only identify short-term functions of a noncommercial and limited-term nature.
 - Only permitted in the community facilities districts and at country clubs (e.g., Laguna Woods Village clubhouses, golf courses) located in open space or residential community districts, and only if sponsored by non-profit community service organizations, clubs, religious and spiritual organizations, and governmental agencies.
 - Shall be displayed no more than two hours prior to the function and removed no later than two hours after the function.
 - Shall not obstruct entrances, walkways or parking areas.
- Specify that temporary real estate signs are permitted for residential developments and nonresidential buildings. Nearby nonresidential buildings of a similar purpose that are represented by the same agent may be limited to less than one sign per building.
 - Remove the limit of three election signs per residentially zoned property.

Special Sign Permits

- Change the name of “Signs and banners for religious institutions and other 501(c)(3) nonprofit organizations” to “community facilities sign permits.” Tenants in community facilities zoning districts would be eligible to apply for a permit allowing a maximum of two temporary signs that would otherwise require individual permits at any one time.
 - Due to the availability of nonprofit community service organization banner sign permits, remove 501(c)(3) organizations from eligibility for community facilities sign permits unless they are tenants of community facilities zoning districts.
 - Change community facilities sign permits to calendar year, rather than 12 months.
 - Events advertised must be for the facilities primary use, not an incidental or accessory use such as a book sale.

- Prohibit community facilities sign permit holders from displaying temporary signs requiring a permit except those permitted by the community facilities sign permit.
- Permit only one rigid mounting structure per community facilities sign permit.
- Prohibit tenants with permanent changeable copy signs from holding community facilities sign permits.
- Add temporary sign regulations for special events and temporary uses. Signs would be approved concurrent with special event/temporary use sign permits at no additional cost.
 - The City Manager would be able to exercise discretion in approving any of the temporary signs (including standards thereof) allowed by the sign regulations.
 - Include balloon regulations based on the existing regulations in Section 13.26.180. Specify that balloons may be staked into the ground or attached to permanent building features provided that public health, safety, and welfare are protected. [Outdoor use of balloons is only permitted with a special event/temporary use permit.]

Prohibited Signs

- Add a prohibition against inflatable signs and signs that emit noise.
- Add a prohibition against signs with illegal, sexual, profane, or nude copy.
- Codify existing policy that no signs shall be permitted in conjunction with outdoor restaurant seating located in a common area walkway, including copy on umbrellas.
- Add a prohibition against neon and non-standard building lighting.
- Clarify regulations related to hand-held signs to prohibit advertising only.

Legal Nonconforming Signs

- Clarify that sign copy cannot be changed except for on changeable copy signs.
- Base the determination of whether a sign is damaged or destroyed beyond 50% of the actual value on the actual cost of replacing the sign (not the original value of the sign).

Exemptions

- Exempt signs erected, displayed or approved by the City (i) pursuant to a federal, state or local law, rule or agreement; (ii) relating to public safety, health or welfare; (iii) serving any directional, way-finding, informational or decorative purpose and located on City-owned property; (iv) advertising a City-sponsored activity, special event or temporary use; or (v) relating to a public works or maintenance project, from the sign regulations.

Environmental Review

The adoption of the proposed fee resolution is statutorily exempt under Section 15273 of the California Environmental Quality Act guidelines.

Advisory Committee Action

The Land Use and Design Review Committee considered this matter at their February 10, 2011 meeting. The Committee suggested a clarification in the definition of (755) sign program and the wording was revised. Upon a motion and a second, the Committee voted unanimously to recommend approval of the proposed ordinance to the City Council.

Fiscal Impact

The City collects fees for signs that require a permit; these fees are sufficient to cover city costs. The cost for enforcement is funded by citation revenue.

Conclusion

The proposed modifications to current regulations are designed to clarify standards and procedures and make regulations internally consistent and more reflective of

current municipal and business practices. The City attorney is currently reviewing the draft ordinance and there may be some subsequent re-wording; however, no substantial changes are anticipated. The City Council has scheduled this matter for a public hearing at its February 16, 2011 meeting.

Attachment: Proposed Ordinance

Draft ordinance prepared by Chris Macon, Special Projects Manager

Handwritten initials "CW" in black ink, positioned to the right of the text "Special Projects Manager".

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.06 AND REPEALING AND REPLACING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 13.06.010(c) of Chapter 13.06 (Definitions) of the Laguna Woods Municipal Code is hereby amended in its entirety to read:

(c) *General terms.* The following are general terms used throughout the Code:

(05) *City* means the City of Laguna Woods including any special district or agency that may be governed by the City Council.

(10) *Days* included within a specific time period do not include the day action was taken but include all subsequent days unless the last day falls upon a Saturday, Sunday, or upon a legal City holiday, in which case the next business day shall be the last day of the time period. Days are generally in calendar time, unless otherwise specified.

(15) *Director or Community Development Director* means the City Manager or designee.

(20) *Planning Commission* means the members of the City Council, or that body as established in accordance with State law regulating Local Planning, acting in a capacity to carry out the purposes of this title in accordance with State Planning and Zoning Law.

(25) *General Plan* means the City of Laguna Woods General Plan.

(30) *State* means the State of California.

(35) *County* means the County of Orange.

(40) *Zoning code or code* means this title, including Zoning District maps and specific plan development maps and texts adopted pursuant to or as an amendment to sections governing such.

SECTION 2. Section 13.06.010(d) of Chapter 13.06 (Definitions) of the Laguna Woods Municipal Code is hereby amended in its entirety to read:

(d) *Specific terms.* The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(05) *Abandoned sign*: A sign whose use has ceased or has been discontinued for a period of at least 90 consecutive days, or a sign identifying a business that has not occupied the premises for at least 90 consecutive days.

(10) *Abutting*: Having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

(15) *Accessory building*: A subordinate building located on a building site, the use of which is customarily ancillary to that of a main building or to the use of the land.

(20) *Accessory use*: A use ancillary to the principal use of the land or building site, or to a building or other structure located on the same building site as the accessory use.

(25) *Administrative/professional offices*: A place of business for the rendering of service or general administration including medical and dental offices, but excluding retail sales.

(30) *Adult entertainment business*: See Section 13.26.020.

(35) *Advertising device/display*: Any contrivance, statue, or structure, other than a sign, used to attract attention or make anything known for the purpose of promoting (either directly or indirectly) the use of products or services of any person or business, including but not limited to a balloon, flag, pennant, propeller, or an oscillating, rotating, or pulsating light.

(40) *Alley*: A public or private way not more than 20 feet wide permanently reserved as a secondary means of access to abutting property.

(45) *Alternative transportation mode*: Any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing, public transit, bicycling or walking.

(47) *Alternative vehicle*: An electrical or gasoline powered vehicle, such as a golf cart, golf car, motorcycle or motor scooter, which does not exceed 55 inches in width and does not contain doors.

(50) *Animal clinic*: A place where animals no larger than the largest breed of dogs are given medical and surgical treatment. A facility primarily for treatment of outpatients and where only critical patients are kept longer than 24 hours. No boarding of animals shall be permitted.

(55) *Antenna structure*: An antenna, any structure designed specifically to support an antenna, and/or any appurtenances mounted on such structure or antenna.

(60) *Apartment*: See "Dwelling, multiple-family."

(65) *Apiary*: A facility and/or area dedicated to the maintenance of bees.

(70) *Archaeological/paleontological/historical site*: Locations dedicated to the protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archaeology, or culture.

(75) *Area per unit*: The area of a building site, in square feet, divided by the number of dwelling units on the building site.

(80) *Attached buildings and structures*: Two or more buildings or structures which are physically connected with a wall, roof, deck, floor, bearing or support structures, trellises, architectural features, or any other structure, fixture or device that exceeds 30 inches in height above the finished grade.

(85) *Automobile repair specialty shops*: A retail and service place of business engaged primarily in light repair, and sale of goods and services for automotive vehicles including brake, muffler and tire shops and their accessory uses. Heavier automobile repair such as major body and paintwork, transmission and engine rebuilding are not included herein.

(90) *Automobile service station*: A retail place of business engaged primarily in the sale of motor fuels and supplying those incidental goods and services which are required in the day-to-day operation of automotive vehicles and the fulfilling of motorists' needs.

(95) *Automobile/truck maintenance and repair*: A place of business engaged primarily in heavy repair of automotives and trucks including, but not limited to, major body and paintwork and transmission and engine rebuilding.

(100) *Automobile wrecking, junk/salvage yards*: The wrecking or taking apart of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.

(105) *Banner sign*: Any sign hung either with or without frames, possessing written communication applied to nonrigid paper, plastic or fabric of any kind.

(110) *Basement*: A story partly underground and having more than one-half of its height above the ground level grade.

(115) *Bed and breakfast (B and B)*: Any building or portion thereof with access provided through a common entrance to less than six guestrooms having no cooking facilities and which are rented on a weekly basis or less. Meals may or may not be provided.

(120) *Bedroom*: Any habitable room other than a kitchen, dining room or a living room.

(125) *Boardinghouse*: Any building or portion thereof with access provided through a common entrance to guestrooms having no cooking facilities and which are rented on a monthly basis or longer. Meals may or may not be provided.

(130) *Building*: A structure having a roof supported by columns or walls.

(135) *Building frontage*: A building elevation which fronts along a parking lot or main access drive for a shopping center.

(140) *Building height*: The apparent height of a building relative to the surrounding ground area.

(145) *Building line*: An imaginary line on a building site specifying the closest point from an ultimate right-of-way line or a property line where a main building may be located. It may be a line shown as such on a map entitled "Precise Plan of Highway Alignment" or any other officially adopted precise plan, and any amendments thereto. If no such precise plan has been adopted, the building line shall be a line as specified in the development standards as stated for each zoning district. The building line shall be at the required distance from, and measured at right angles to, the ultimate right-of-way or property line.

(150) *Building site*: A parcel or contiguous parcels of land that was established in compliance with the building site requirements of this Code.

(155) *Building site area, minimum*: The net development area calculated by measuring the building site horizontally as a level plane and excluding rights-of-way or easements that prohibit the surface use of the site, except easements for open space purposes on single-family lots. The minimum building site area shall be undivided and relatively compact although the entire building site may be larger with diffuse parts.

(160) *Building site coverage, maximum*: The relationship between the ground floor area of the building or buildings and the net area of the site. Said net area shall be computed by deducting from the gross site area any ultimate street rights-of-way together with all rights-of-way and all easements that prohibit the surface use of the site, except easements for open spaces purposes on single-family lots. Unenclosed post-supported roofs over patios and walkways and unenclosed post-supported eave overhangs shall not constitute buildings for the purpose of this definition.

(165) *Building site, panhandle or flag*: A building site wherein the only vehicular access to the site is by way of a corridor or vehicular accessway which serves no other property, is less than 40 feet wide and is more than 40 feet long.

(170) *Building site, through*: A building site having frontage on two parallel or approximately parallel streets.

(175) *Building size*: The total gross floor, measured in square feet of a building or group of buildings at a worksite. Includes the total floor area of new development and total expanded floor area of existing facilities.

(180) *Caretaker*: A person who lives on the premises for the necessary purposes of managing, operating, maintaining, or guarding the primary use or uses permitted on the premises.

(185) *Carpool*: Two to six persons traveling together in a single vehicle.

(190) *Carport*: A roofed structure, or a portion of a building which is open on two or more sides, for the parking of automobiles belonging to occupants of the property.

(195) *Cellar*: A portion of a building partly or wholly underground and having more than one-half of its height below the ground level grade. A cellar shall not be considered a building story.

(205) *Centerline*: A line described by the first situation that applies in the following instances:

a. A section line, half section line or quarter section line whenever a mapped highway is plotted on the "Master Plan of Arterial Highways" along a section, half section or quarter section line.

b. A line shown as a centerline on a map entitled "Precise Plan of Highway Alignment," and any amendments thereto.

c. A line shown as a centerline on a recorded tract map, an approved record of survey map or a parcel map.

d. A line in the center of the ultimate street right-of-way.

(207) *Changeable copy sign*: A sign duly approved by the City with copy that is intended to be replaced without any change to sign location or construction.

(210) *Clinics, medical or dental*: An organization of doctors providing physical, dental or mental health Service and medical or surgical care of the sick or injured but not including inpatient or overnight accommodations.

(215) *Club*: An association of persons for some common purpose but not including groups organized primarily to render service that is customarily carried on as a business.

(220) *Collocation or collocated*: The location of multiple antennas which are either owned or operated by more than one Service provider at a single location and mounted to a common supporting structure, wall or building.

(225) *Commercial*: Operated or conducted on a frequent basis for the purpose of financial gain.

(230) *Commercial coach*: A vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes.

(240) *Commercial mobile service*: Any mobile service that:

a. Is offered in return for monetary compensation,

b. Is available to the public or a substantial portion of the public, and

c. Provides subscribers with the ability to access or receive communication from the public switched telephone network.

(245) *Commercial mobile service*: Includes, but is not limited to, paging service, wireless data transmission, cellular telephone service, specialized mobile radio service (SMR), and personal communications service (PCS).

(250) *Commercial recreation*: Any use or activity where the primary intent is to provide amusement, pleasure or sport but which is operated for financial gain. It includes establishments where food and beverages are sold as a secondary or ancillary use, but does not include restaurants, nightclubs and cocktail lounges.

(255) *Community apartment projects*: A project in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located thereon.

(260) *Community care facility*: Any facility which may or may not require a State license to provide nonmedical residential care or day care for six or less children, adults, or both, including physically handicapped and mentally incompetent persons. This includes child day care facilities/day care nurseries and family day care homes.

(265) *Condominium*: An estate consisting of an undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an office or store or multifamily dwelling. A condominium may include, in addition, a separate interest in other portions of such real property.

(270) *Congregate care facility*: A facility providing care on a monthly basis or longer and which is the primary residence of the people it serves. It provides services to the residents such as the following: dining, housekeeping, security, medical, transportation and recreation. Any commercial services provided are for the exclusive use of the occupants of the facility. Such a facility may be located in more than one building and on contiguous parcels within the building site. It includes facilities offering occupancy on a monthly basis or longer such as hotels, resorts, etc. which have similar characteristics.

(280) *Convalescent home*: A facility licensed by the State Department of Health Services which provides bed and ambulatory care for more than six patients with postoperative convalescent, chronically ill or dietary problems and persons unable to care for themselves; including persons undergoing psychiatric care and treatment both as inpatients and outpatients but not including persons with contagious diseases or afflictions. Also known as nursing home, convalescent hospital, rest home, or home for the aged.

(285) *Conversion project*: An apartment house, multiple or group dwelling existing, under construction or for which building permits have been issued, which is proposed for conversion to a residential condominium, community apartment, residential stock cooperative or planned development; or an existing mobile home park which is proposed to be converted to a mobile home condominium project, a mobile home stock cooperative project, a mobile home planned development or a conventional mobile home subdivision.

(290) *Coordinated antenna program (CAP)*: A coordinated program to preapprove multiple locations for proposed and potential future facilities.

(295) *Country club*: Premises and property that include facilities for outdoor sports, social activities, etc. that may include such activities associated with golf, equestrian riding, tennis, etc. whereby membership is usually private and use of the premises is limited to members and their guests.

(300) *Day care nursery*: Any facility operated by a person, corporation or association used primarily for the provision of nonmedical daytime care, training, or education of more than six children under 18 years of age at any location other than their normal place of residence, excluding any children normally residing on the premises.

(310) *Detached buildings and structures*: Two or more buildings or structures that are each structurally independent and freestanding and not connected by walls, roofs, floors, decks, supports, trellises, architectural features or any other structure, fixture or device that exceeds 30 inches in height above the finished grade.

(315) *Drive-in*: Designed or operated so as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle.

(320) *Driveway*: A vehicular passageway for the exclusive use of the occupants of a property and their guests. A driveway shall not be considered as a street.

(325) *Driveway approach*: A designated area between the curb or traveled way of a street and the street right-of-way line that provides vehicular access to abutting properties. When vehicular access to a building site is provided by way of a common driveway, the driveway approach is the line of intersection where the individual driveway abuts the common driveway.

(330) *Dry cleaning, dyeing and laundry plant*: A central processing facility for cleaning of clothing and fabrics collected from and returned to patrons and to dry cleaning and laundry agencies.

(335) *Duplex*: A permanent building containing two dwelling units.

(340) *Dwelling, multiple-family*: Two or more dwelling units on the same building site.

(345) *Dwelling, single-family*: One dwelling unit per building site.

(350) *Dwelling unit*: One or more rooms in a structure including a kitchen of any size, designed for occupancy by one family for living and sleeping purposes, and including a mobile home when such mobile home bears an insignia of approval issued by the California Department of Housing and Community Development or a housing seal number from the Federal Department of Housing and Urban Development (HUD).

(353) *Easel sign*: A temporary sign with an upright tripod construction, that is not permanently affixed on or upon the ground, and which is neither attached to nor a part of any building or structure.

(355) *Easement*: A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege or benefit in, on, over or under said land.

(360) *Educational institution*: Private or public elementary or secondary schools, colleges or universities qualified to give general academic instruction.

(365) *Educational institution, adults*: Business, trade or technical school serving adults.

(370) *Electronic message board sign*: A sign with a fixed or changing display composed of a series of lights. (Does not include time and temperature displays.)

(375) *Emergency shelter*: means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

(380) *Employee*: Any person employed by a firm, person(s), business, educational institution, nonprofit agency or corporation, government agency, or other entity. The term "employee" shall include persons employed on a full-time, part-time, or temporary basis.

(385) *Employee's quarters*: Quarters for the housing of agricultural or domestic employees when such quarters are located upon the same land occupied by their employer.

(390) *Enclosed*: Contained on all sides by walls that are pierced only by windows, vents, or customary entrances and exits.

(395) *Family*: One or more persons occupying one dwelling unit. The term "family" includes the occupants of community care facilities serving six or fewer persons that are permitted or licensed by the State. The term "family" does not include occupants of a fraternity, sorority, boardinghouse, lodginghouse, club, or motel.

(400) *Family day care home*: A home at which the resident of the home provides regular nonmedical care, protection, and supervision of one to 14 children for periods of less than 24 hours per day. The provider shall be licensed per the State Health and Safety Code unless specifically exempted therein.

(405) *Family day care home, large*: A family day care home which provides family day care to seven to 14 children, including children who reside at the home.

(410) *Fast-food establishments*: means an establishment whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises. Food is ordered by patrons at a counter.

(415) *Fixed wireless service*: Any service providing radio communication to or from antenna structures at fixed and specified locations which are not designed to be moved during operation and which offers the ability to access or receive communication from the public switched telephone network.

(420) *Floor area, gross*: The total horizontal floor area of all floors of a building, including the exterior walls thereof, measured in square feet; excepting that for commercial, professional and administrative office or industrial buildings or building complexes, areas used in common such as covered malls, walkways, patio areas and entries open to and directly connecting with outside areas, shall not be included when calculating off-street parking requirements.

(425) *Floor area ratio (FAR)*: Numerical value obtained by dividing the gross floor area of all buildings located on a building site by the building site area.

(430) *Freestanding temporary sign*: A temporary sign of A-frame or sandwich board construction, that is not permanently affixed on or upon the ground, and which is neither attached to nor a part of any building or structure. Easel signs are not considered freestanding temporary signs.

(435) *Garage*: A building, or a portion of a building, used primarily for the parking of four-wheeled motor vehicles.

(440) *Garage/yard/estate sale*: For the purpose of this title, the words "garage/yard/estate sale" shall refer to sale activities not associated with regular commercial or retail operations, and where the general public may purchase identifiable or tangible personal property. No purchased or consigned merchandise may be offered for sale. No goods may be placed in the public right-of-way or on private streets and sidewalks. Also included in the definition are patio sales, rummage sales, attic sales, moving sale, temporary bazaars, and any other similar activities for the purpose of selling, trading or otherwise disposing of personal goods.

(445) *Grade, ground level*: The average elevation, determined by averaging the elevations of four or more points as necessary, at the building site boundary line where it is less than five feet from the building or at five feet outside the perimeter of the bearing or foundation line of a building.

(450) *Grazing*: The act of pasturing livestock on growing grass or other growing herbage, or on dead grass or other dead herbage existing in the place where grown, as the principal sustenance of the livestock.

(455) *Ground mounted*: A wireless communication facility that is mounted to a pole, lattice tower or other freestanding structure that is specifically constructed for the purpose of supporting an antenna.

(460) *Guesthouse*: A detached building having no kitchen facilities, which is used primarily for sleeping purposes for members of the family occupying the main dwelling and their nonpaying guests.

(465) *Habitable room*: Any room usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A room designed and used only for storage purposes is not a "habitable room."

(470) *Helistop*: A takeoff and landing area for helicopters often on the roof of the building.

(475) *Home occupation*: See Section 13.26.120.

(480) *Homeless person*: An individual or family who lacks a fixed, regular, and adequate nighttime residence; or an individual or family who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

(485) *Hospital*: A facility licensed by the State Department of Health Services providing clinical, temporary or emergency service of a medical, obstetrical, surgical, or mental health nature to human patients.

(490) *Hotel*: Any building or portion thereof with access provided through a common entrance, lobby or hallway to six or more guestrooms which are rented on a weekly basis or less and which have cooking facilities in less than 25 percent of the guest rooms.

(495) *Information center*: A building or portion thereof used to provide information about events, public transit, or tourist attractions to the general public.

(500) *Kennel*: Any property where four or more dogs, or four or more cats, over the age of four months, are kept or maintained for any purpose, except veterinary clinics and hospitals, and except property for which an animal permit has been issued.

(505) *Lattice tower*: A tower-like structure used to support antennae and comprised of three or more steel support legs.

(510) *Legal nonconforming sign*: A sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all standards and regulations of the ordinance.

(515) *Lot*: Any area identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance or lot line adjustment. A lot is not necessarily a building site.

(520) *Lot frontage*: The length of the front lot line measured at the street right-of-way line. For flag lots, that portion of a lot, not including the pole portion that is generally parallel to the access street.

(525) *Main building*: The building containing the main or principal use of the premises, or occupied for the purpose of operating or administering the main or principal use.

(530) *Major facility*: A wireless communication facility that is ground mounted and does not exceed the maximum height of the applicable zoning district in which the major facility is located.

(535) *Major tenant*: Any tenant in a multi-tenant commercial center which either occupies 30 percent or more of the leased square footage of the center or has five or more locations in the region, state, or nation.

(540) *Master Plan of Arterial Highways*: A component of the transportation element of the Orange County General Plan designating adopted and proposed routes for all commuter, secondary, primary and major highways within the County of Orange.

(545) *Microwave communication*: The transmission or reception of radio communication at frequencies of a microwave signal (generally, in the 3GHz to 300GHz frequency spectrum).

(550) *Ministorage facility*: A building or buildings containing various size storage compartments not exceeding 500 square feet each, and wherein each compartment is offered for rent or lease to the general public for the private storage of materials excluding materials sold at the facility or delivered directly to customers. The facility may have an on-site caretaker dwelling unit as an accessory use.

(555) *Minor facility*: A wireless communication facility that is either wall mounted, utility mounted, or roof mounted in such a manner that the entire facility is screened by solid material on four sides, is architecturally compatible with surrounding land uses and does not exceed the maximum height of the applicable zoning district in which the minor facility is located.

(560) *Mixed-use development*: Appropriate land uses include, but are not limited to, residential, commercial, office, industrial park, civic, cultural, educational facilities, and child care facilities.

(565) *Mobile home*: A structure transportable in one or more sections, designed to be used with or without a permanent foundation system. Mobile home does not include recreational vehicle, commercial coach, noncommercial coach or factory-built housing. A mobile home is also a trailer coach designed to be used without a permanent foundation and which is in excess of 40 feet in length.

(570) *Mobile home development*: Any area or tract of land used to accommodate mobile homes for human habitation, and includes mobile home accommodation structures. Includes mobile home parks and mobile home subdivisions.

(575) *Mobile service*: Any service providing radio communication to or from at least one antenna that is designed to be moved during operation or used during halts at unspecified locations; or as otherwise defined in 47 USC 153 and interpreted by the Code of Federal Regulations and the Federal Register.

(580) *Motel*: A building or group of buildings containing six or more guest rooms rented on a weekly basis or less and which have cooking facilities in less than 25 percent of the guestrooms.

(585) *Mounted*: Any manner of attachment, support, or connection, whether on ground or on a structure.

(590) *Multipoint distribution service*: A microwave communication service that delivers video programming directly to subscribers, including multichannel, multipoint distribution services, instructional television fixed service, and local multi-point distribution services, or as otherwise defined by Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any interpretive decisions thereof issued by the Federal Communications Commission.

(595) *Noncommercial coach*: A vehicle, with or without motive power, designed and equipped for human occupancy for classrooms and other nonresidential and noncommercial uses.

(600) *Nonconforming use/structure/site, legal*: A use/structure/site that was lawfully established in compliance with the zoning regulations that were applicable to the property at the time the use/structure/site was established, but which does not presently comply with the existing regulations of the zoning district within which it is located.

(605) *Open space*: Any parcel or area of land or water, public or private, which is reserved for the purpose of preserving natural resource, for the protection of valuable environmental features, or for providing outdoor recreation or education. For purposes of measuring the amount of open space, it does not include public/private road right-of-way areas, driveway and parking areas not related to recreational uses, any buildings, building setback areas, or the required space between buildings, and the surface utility facilities. Open space may include structures and impervious surfaces as identified in "open space, usable."

(610) *Open space, usable*: Open space without any slopes in excess of 20 percent. Such open space may include structures and impervious surfaces such as tot lots, swimming pools, basketball courts, tennis courts, picnic facilities, and greenbelts with walkways or bicycle trails.

(615) *Parking accessway*: A vehicular passageway that provides access and circulation from a street access point into and through a parking lot to parking aisles and between parking areas.

(620) *Parking structure*: An area or structure that is open or closed and is used for the hourly or day-to-day parking of motor vehicles.

(625) *Planned (unit) development*: A subdivision of separately owned lots, parcels or areas, other than a community apartment, a condominium, or a stock cooperative project, having either or both of the following features:

- a. Lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas.
- b. Power to enforce any obligation in connection with membership in the owners association or any obligation pertaining to the beneficial use and enjoyment of any portion of, or any interest in, either the separately or commonly owned lots, parcels or areas.

(630) *Pole sign*: A freestanding sign directly supported by a pole or poles with air space between the grade level and the sign face.

(635) *Portable sign*: Any vehicle or trailer which is parked or used as a stationary display on public or private property and has attached thereto, or located thereon, any sign or advertising device/display for the basic purpose of providing advertisement or directing people to a business or activity located on the same or nearby property or any other premises. This definition is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during normal course of business.

(640) *Precise plan of highway alignment*: A plan, supplementary to the Master Plan of Arterial Highways, which establishes the highway centerline, the ultimate right-of-way lines and may establish building setback lines.

(645) *Private special event*: A privately held "special event," sponsored by a community homeowners association on association property for association members.

(650) *Project net area*: All of the land area included within a plan for a development project excepting those areas designated for public and private road rights-of-way, schools, parks, and other uses or easements that preclude the use of the land therein as part of the development project.

(660) *Public safety area*: A strip of land 20 feet in width adjacent to and parallel with a street right-of-way.

(665) *Radio communication*: The transmission and/or reception of impulses, writing, signs, signals, pictures, and sounds of all kinds through space by means of electromagnetic waves.

(675) *Recreational vehicle*: A motor home, travel trailer, truck or van camper, tent trailer, camping trailer or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes.

(680) *Recycling center*: A facility that accepts delivery or transfer of ownership of source-separated materials for the purpose of recycling or diversion from disposal. Included are "drop-off" recycling centers, where no fee is paid, such as churches or other charitable groups, or "buy-back" centers, like those at supermarkets, where a fee is usually paid to the generator for the materials. These facilities do not require a State permit.

(685) *Regulatory permit*: A special regulations permit required for a land use that may be appropriate within a particular zoning district, but not compatible

with other permitted uses in the district, or where additional development or performance standards are required.

(690) *Restaurant*: A retail establishment engaged in the preparation and sale of food and beverages. This use includes cafes, coffee shops, sandwich shops, and kitchens engaged in preparing food. The licensed on-site provision of alcoholic beverages for consumption on the premises is also included in this definition when accessory to the food service.

(695) *Retail*: The selling of goods, wares or merchandise directly to the ultimate consumer.

(700) *Riding and hiking trail*: A trail or way designed for and used by equestrians, pedestrians and cyclists using nonmotorized bicycles.

(705) *Right-of-way (row)*: An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

(710) *Roof mounted*: A facility that is mounted in any manner that does not satisfy either the definition of wall mounted or utility mounted and is typically mounted on the roof of a building.

(715) *Roof sign*: A sign erected upon or above the roof of a building or above a parapet wall. Signs on mansards shall be considered roof signs.

(725) *Scenic highway*: Any highway designated a scenic highway by the City of Laguna Woods, County, State or Federal Government.

(730) *Senior citizen*: A person 55 years of age or older.

(735) *Senior citizen housing*: A residential development consisting of at least 35 dwelling units which is developed for, or substantially rehabilitated or renovated for, senior citizens.

(740) *Service*: An act, or any result of useful labor, which does not, in itself, produce a tangible commodity.

(745) *Setback area/distance*: The area/distance between the building line and the property line or, when abutting a street, the ultimate right-of-way line.

(750) *Shopping center*: A group of industrial, office, or commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site. A center shall consist of two or more tenants on one development site.

(753) *Sign*: Any medium for visual communication, including but not limited to words, symbols and illustrations, together with all parts, materials, frame and background, which is used or intended to be used to attract attention to, identify, or advertise an establishment, product, service, promotion, function, activity or location, or to provide information. For the purpose of this chapter, decorative exterior illumination, with the exception of incidental seasonal lighting, shall be regulated as a sign.

(755) *Sign program*: A comprehensive sign plan that identifies location, size, design, and color of signs within a shopping center or for another property in order to achieve aesthetically appealing and compatible signage.

(760) *Single room occupancy (SRO)*: A building with a common entrance containing a cluster of at least five rental units which provide sleeping and living facilities for one or two persons where kitchen and/or bathroom facilities may be shared. The units shall have a minimum of 100 net square feet of space for a single occupancy and 120 square feet for two-person occupancy. The calculation for net floor space in the sleeping area includes built-in cabinets, sinks, and closets, but excludes toilet compartments. A unit larger than 225 square feet shall be deemed an efficiency dwelling unit and not a single room occupancy (SRO).

(765) *Special event*: For the purpose of this chapter, the words "special event" shall refer to public or privately sponsored special gatherings (e.g., pageants, health fairs, carnivals, athletic events, religious events, outdoor entertainment) not exceeding five days unless specifically referenced in this chapter.

(770) *Stealth facility*: Any wireless communication facility which is disguised to appear as another natural or artificial object that is prevalent in the surrounding environment or which is architecturally integrated into a building or other concealing structure.

(775) *Stock cooperatives*: A corporation which is formed primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy.

(780) *Street*: A public or private vehicular right-of-way, other than an alley or driveway, including both local streets and arterial highways.

(785) *Street, multifamily*: A driveway, easement, accessway or other private vehicular right-of-way to serve a unified multi-lot/multifamily project for which a discretionary permit has been approved and where residential setback, other than provided for specifically in this Title, are not required.

(790) *Structure*: That which is erected or constructed having a fixed location and is more than 30 inches above the finished grade. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. A mobile home, except when used as a Temporary Use with its weight resting at least partially upon its tires, is a structure for the purposes of this definition.

(795) *Swimming pool*: An artificial body of water having a depth in excess of 18 inches, designed, constructed and used for swimming, dipping or immersion purposes by men, women, or children.

(800) *Temporary fencing*: A temporary fence is defined as a fence erected for a limited and defined period of time, not to exceed a maximum of two years with Temporary Use permit, except as approved by a Conditional Use permit.

(805) *Temporary Use*: For the purpose of this Chapter, the words "Temporary Use" shall refer to short-term activities on private property or public property (with an approved encroachment permit) not to exceed two years when in conjunction with an active building or encroachment permit. (e.g., outdoor storage, construction trailers, etc.)

(815) *Transfer/materials recovery facility*: A permitted nondisposal solid waste facility that accepts solid wastes, temporarily stores, separates, converts, or otherwise processes more than five percent of the solid wastes received, and transfers the residual materials to a solid waste disposal, or transformation facility.

(820) *Transfer station*: A permitted nondisposal solid waste facility that transfers solid waste directly from smaller to larger vehicles for transport to materials recovery facilities, landfills, or transformation facilities.

(825) *Transformation facility*: A permitted facility that performs incineration, pyrolysis, distillation, gasification or biological conversion, other than composting, for recovery of energy from solid waste.

(830) *Transitional housing shelters*: housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

(835) *Ultimate right-of-way*: The right-of-way shown as ultimate on an adopted precise plan of highway alignment, or the street rights-of-way shown within the boundary of a recorded tract map, a recorded parcel map or a recorded PC development plan. The latest adopted or recorded document in the above cases shall take precedence. If none of these exist, the ultimate right-of-way shall be considered the right-of-way required by the highway classification as shown on the Master Plan of Arterial Highways. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way, in the case of a

private street, and the existing right-of-way, but not less than 60 feet, in the case of a public street.

(840) *Use*: The purpose for which land or building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

(845) *Utility mounted*: A facility that is mounted to an aboveground structure that is specifically designed and installed to support electrical power lines, cable television lines, street lighting, traffic signal equipment, park lighting or a structure on public or private property deemed by the City to be similar in nature.

(850) *Vanpool*: Seven or more persons traveling together in a single vehicle.

(855) *Vehicular accessway*: A private, nonexclusive vehicular easement affording access to abutting properties.

(860) *Vehicle/vessel sales/rentals*: An open area used for the display, sale, and/or rental of new or used automobiles and water vessels.

(865) *Wall mounted*: A facility that is mounted on any vertical surface of a building that is not specifically constructed for the purpose of supporting an antenna i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign such that the highest point of the "antenna structure" is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

(870) *Wall sign*: A sign attached to, erected on, painted on or otherwise affixed to the exterior wall of a building or structure in such a manner that the face of the sign is approximately parallel to the exterior wall of the building and exposed to the exterior side of the building. Signs and/or advertising displays in or on windows are not considered wall signs.

(875) *Window sign, permanent*: Any sign exposed to public view that is permanently affixed to the interior or exterior surface of a window and only identifies the name of the business, hours of operation, and/or address for which the sign is displayed.

(880) *Window sign, temporary*: Any sign temporarily attached, painted, posted, or displayed flush against a window or located inside within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the building in which the window is located. A banner sign on the exterior of a window shall not be considered a temporary window sign. For the purpose of this chapter's sign regulations, the term "window" shall also include vehicle bays with full doors that are closed when not in use.

(885) *Wing wall*: An architectural feature in excess of six feet in height that is a continuation of a building wall projecting beyond the exterior walls of a building.

(890) *Wireless communications facility or facility*: An antenna structure and any appurtenant facilities or equipment located within City limits and that is used in connection with the provision of wireless service.

(895) *Wireless video service*: Any service providing radio communication that delivers video programming.

(900) *Worksite*: A building or group of buildings which are developed as a single project, and which serves as the place of employment, base of operation, or predominate location of an employee or group of employees.

SECTION 3. Repeal of Existing Regulations

Chapter 13.20 (Sign Regulations) of the Laguna Woods Municipal Code is hereby repealed.

SECTION 4. Adoption of Sign Regulations

Chapter 13.20 (Sign Regulations) is hereby added to Title 13 (Zoning) of the Laguna Woods Municipal Code as follows:

CHAPTER 13.20. SIGN REGULATIONS

- Sec. 13.20.010. - Purpose and intent.
- Sec. 13.20.020. - General provisions.
- Sec. 13.20.030. - Sign placement.
- Sec. 13.20.040. - Sign measurement.
- Sec. 13.20.050. - Sign illumination.
- Sec. 13.20.060. - Permanent sign design criteria.
- Sec. 13.20.070. - Permitted permanent signs.
- Sec. 13.20.080. - Temporary sign design criteria.
- Sec. 13.20.090. - Permitted temporary signs.
- Sec. 13.20.100. - Special temporary sign permits.
- Sec. 13.20.110. - Signs not requiring a permit.
- Sec. 13.20.120. - Prohibited signs.
- Sec. 13.20.130. - Exemptions.
- Sec. 13.20.140. - Legal nonconforming signs.
- Sec. 13.20.150. - Sign programs.
- Sec. 13.20.160. - Enforcement.

Section 13.20.010. Purpose and intent.

(a) The purpose and intent of this chapter is to promote and protect public health, safety and welfare by regulating signs in order to assure that they are:

- (1) Well-designed, compatible with community character and harmonious with surrounding properties, buildings and streetscapes;
- (2) Clear and legible in the circumstances in which they are seen;
- (3) Appropriate to the type of business or activity to which they pertain; and
- (4) Displayed in a manner that does not harm public health, safety and welfare.

(b) This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any federal, state or other local laws.

Section 13.20.020. General provisions.

(a) *Permit required.* It shall be unlawful for any person or entity to display, erect, install, or maintain any sign requiring a permit under this chapter without obtaining and holding in full force and effect a permit issued in accordance with this chapter. Permits shall be issued by the City Manager and require submittal of an application, as well as the payment of fees established by resolution of the City Council.

(b) *Special design approval criteria to apply.* Signs located within the boundaries of a specific plan, sign program or other special design approval area shall comply with all criteria established by such plan, program, or area.

(c) *Interpretation of provisions.* Where a matter of interpretation arises regarding the provisions of this chapter, the more specific or more rigorous standard shall prevail. If the City Manager determines that the application of any portion of this chapter is uncertain, interpretation shall be considered by the City Council.

(d) *Maintenance.* Signs, together with frames, supports, braces, anchors and related components, shall be maintained in good condition, including the replacement of defective parts. Exposed surfaces shall be kept clean, in good repair, free of graffiti and other such markings, not discolored or faded, and painted where paint is required. The City Manager may determine and order the repair or removal of any sign that is unsafe, defective, damaged, or unsatisfactorily maintained.

(e) *Property owner approval.* Nothing in this chapter is intended to permit the display, erection, installation, or maintenance of any sign without the approval of the property owner.

(f) *Use of the City seal.* Use of the City seal is prohibited without prior written approval from the City Manager.

Section 13.20.030. Sign placement.

(a) *Traffic safety.* No sign shall obstruct any parking area or the free and clear vision and movement of pedestrian or vehicular traffic.

(b) *Off-site signs.* All signs shall be located on the same premises as the business or activity identified by the sign unless specifically permitted in this chapter.

(c) *Placement on City property.* No sign shall be located on, over, or across City property unless specifically permitted in this chapter.

Section 13.20.040. Sign measurement.

(a) *Measurement of sign height.* Sign height shall be measured as the greatest vertical distance measured from the ground level directly beneath the sign base to the top of the sign. When signs are constructed on hillsides or embankments where the sign supports are at varying lengths, height shall be measured from the horizontal midpoint of the sign. In cases where the City Manager determines that the visibility of a free-standing sign is impeded due to its placement below the elevation of the street to which it is oriented, the City Manager may measure maximum sign height from the top of curb of the street (or the edge of pavement of such street where there is no curb) or from such other appropriate reference point as determined by the City Manager.

(b) *Measurement of sign area.* Sign area shall be measured as follows:

(1) *Basic rule.* Sign size and area shall be defined as the total area of the sign face, including any perimeter trim, but excluding any structures or uprights on which the sign is supported.

(2) *Window signs.* Window sign area shall be considered to be the entire area of any sign placed on or inside a window which is not painted or otherwise drawn directly on the glass. For signs painted or otherwise drawn directly on the glass, area measurement shall be the same as that for wall signs.

(3) *Wall signs.* The area of signs composed of individual letters affixed to a building or freestanding wall shall be defined as the area which encloses all copy, logos and graphics with four, six or eight perpendicular lines.

(4) *Double-faced signs.* If a sign is double-faced with only one face visible from any ground position at one time, its sign area shall be considered to be the area of either face taken separately. Thus, if the maximum permitted sign area is 20 square feet, a double-faced sign may have an area of 20 square feet per face.

(5) *Three-dimensional signs.* If a sign has three or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four faces and the maximum permitted sign area is 20 square feet, the maximum area for each face shall be limited to five square feet.

Section 13.20.050. Sign illumination.

(a) *Generally.* Temporary signs shall not be illuminated. Permanent signs may be illuminated unless specifically prohibited in this chapter.

(b) *Means of illumination.* All illumination from or upon any sign shall be shaded, shielded, directed, and/or reduced to prevent glare and reflection onto surrounding properties. Illumination shall not be unduly bright, meaning that it shall not be in excess of that which is reasonably necessary to make the sign readable to an average person. Externally-illuminated signs shall be lighted by screened or hidden light sources. With the exception of the use of neon illumination in window signs as permitted in this chapter, the use of neon or non-standard lighting colors is prohibited.

(c) *Illumination of signs abutting residential districts.* Except for signs pursuant to an approved sign program, when any district boundary abuts a residential district and the boundary is less than or equal to 100 feet away, signs facing said boundary shall not be illuminated.

Section 13.20.060. Permanent sign design criteria.

(a) *Colors.* Sign colors shall complement the colors used for the building and the project as a whole. Colors which interfere with legibility of the sign copy or which interfere with identification of existing or surrounding signs shall not be used. Sign colors shall be limited to a maximum of three, plus either black or white.

(b) *Copy.* Sign copy cannot reference illegal, unauthorized, off-site, incidental, or accessory uses and is limited to identification purposes. Sign copy cannot include telephone numbers, fax numbers, e-mail addresses, or website addresses.

(c) *Changes to approved sign face or copy.* Changes in the sign face or sign copy of any approved sign, other than normal maintenance or changes in the sign copy of approved changeable copy signs, shall be approved by the City Manager to ensure that the new sign face or sign copy is consistent with this chapter and any applicable specific plan, sign program or other special design approval regulations.

Section 13.20.070. Permitted permanent signs.

(a) *Tenant, building, or street frontage.* For the purpose of this section, tenant, building or street frontage shall mean the side of a building or tenant's portion of a building facing a parking lot, public or private street or driveway entrance.

(b) *Awning signs.* For the purpose of this section, any sign incorporated into an awning or canopy shall be considered a wall sign.

(c) *Permitted permanent signs.* The following permanent signs may be permitted with an approved sign permit and any other required permits from the City:

| Sign type and eligible sites | Maximum number | Maximum area | Maximum height | Additional requirements |
|---|----------------|---|---|-------------------------|
| <i>Freestanding monument signs</i> | | | | |
| Freestanding monument signs: for single tenant sites including commercial buildings (excluding gas stations), congregate care facilities, churches, temples and places of worship, and apartment/condominium complexes. | 1 per site | Shall not exceed one square foot of area for each linear foot of building frontage, up to a maximum aggregate area of 40 square feet. | 5 feet for sign face; 5 ½ feet including base | |

| | | | | |
|--|--|---|---|---|
| Freestanding monument signs: for residential tract developments. | 1 per entrance | Shall not exceed a maximum aggregate area of 40 square feet per sign. | 5 feet for sign face; 5 ½ feet including base | Signs on decorative garden walls or retaining walls (e.g. curved, angled or similar walls integrated into a project entry or perimeter) are encouraged. In cases where such walls are on both sides of a dedicated entry drive, 2 signs are permitted per entrance. |
| Freestanding monument signs: for individual gas stations or "combination" uses, which combine a gas station with a car wash, fast food restaurant, convenience store, etc. | 1 per street frontage; no more than 2 per site | Shall not exceed a maximum aggregate area of 40 square feet per sign. | 5 feet for sign face; 5 ½ feet including base | Gas prices must display the actual price per gallon of all grades of gasoline, including taxes and other charges. |
| <i>Wall signs</i> | | | | |
| Wall signs: for nonresidential uses, country clubs, congregate care facilities, and apartment/condominium complexes. | 1 per tenant frontage; no more than 2 per site | Shall not exceed one square foot for each linear foot of tenant frontage for any elevation containing a sign. A | | Sign copy shall be contiguous, with words separated by no more than 3 inches. |

| | | | | |
|---|--|---|---|--|
| | | combined maximum aggregate area of 150 square feet for all wall-mounted signs will be allowed per site. | | |
| <i>Other signs</i> | | | | |
| Freestanding center identification signs: for shopping centers with five or more tenants. | 1 per street frontage | Shall not exceed one square foot of sign area per linear foot of street frontage not to exceed a maximum aggregate area of 50 square feet per sign. | 5 feet for sign face; 5 ½ feet including base | <ol style="list-style-type: none"> 1. Signs shall identify the name of the shopping center, address, and up to three tenants. 2. The name of the center shall constitute at least 50% of each sign face. Tenant identification shall be secondary in appearance to the name of the center. |
| Pedestrian signs: for shopping centers with five or more tenants and covered walkways. | 1 per tenant frontage; no more than 2 per tenant | Shall not exceed a maximum aggregate area four square feet per sign. | 1 foot | <ol style="list-style-type: none"> 1. Signs shall not be illuminated. 2. Signs shall be located perpendicular to the tenant facade, under the covered walkway, and a minimum of eight feet above finished grade. |
| Freestanding flag poles: for | 2 freestanding | N/A | 35 feet in open space | 1. For the purpose of this section, a |

| | | | | |
|-------------------------------------|--|--|--|--|
| <p>any single development site.</p> | <p>poles and 3 flags per single development site</p> | | <p>recreational, neighborhood commercial, or professional and administrative offices districts</p> <p>50 feet or building height, whichever is less in community commercial, community facilities, residential community, or residential multifamily districts</p> | <p>commercial center, mall, business park, recreational facility and multi-building residential development shall be considered a single development site, regardless of ownership or parcelization.</p> <p>2. Flags allowed shall be defined as fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used to denote nations, government subdivisions, educational institutions, or noncommercial organizations. Flags may not contain text other than the name of the organization, its incorporation date and/or motto.</p> |
|-------------------------------------|--|--|--|--|

Section 13.20.080. Temporary sign design criteria.

(a) *Colors.* Sign colors shall complement the colors used for the building and the project as a whole. Colors which interfere with legibility of the sign copy or which interfere with identification of existing or surrounding signs shall not be used.

(b) *Copy*. Sign copy cannot reference illegal, unauthorized, off-site, incidental, or accessory uses and is limited to advertising short-term promotions, functions, or activities, except where otherwise noted.

Section 13.20.090. Permitted temporary signs.

(a) *Tenant, building, or street frontage*. For the purpose of this section, tenant, building or street frontage shall mean the side of a building or tenant's portion of a building facing a parking lot, public or private street or driveway entrance.

(b) *Sign permit required*. The following temporary signs may be permitted with an approved sign permit and any other required permits from the City:

(1) *Construction information signs*. One sign stating the names and contact information of those entities directly involved with the construction of a project, as well as general construction and contact information, shall be permitted on a construction site, subject to the following:

a. The area of the sign shall not exceed six square feet for residential projects involving four or less units, 32 square feet for residential projects involving five or more units, or 32 square feet for nonresidential projects.

b. The height of the sign shall not exceed five feet for the sign face; five and one half feet including base.

c. The sign may be displayed for a term not to exceed 12 months and shall be removed upon completion of the final City building inspection. The display period may be extended by the City Manager if construction is active.

(2) *Banner signs*. Banner signs shall be permitted for tenants in commercial districts and on country clubs, congregate care facilities, and apartment/condominium complexes, subject to the following:

a. Each site may display banner signs, for a maximum of 120 days within a calendar year period. Time can be used in any multiple of consecutive days, not exceeding 30 days per display. Banner signs shall be removed for at least 30 days prior to the effective date of a subsequent permit. Multiple banner signs displayed consecutively shall count as a single banner sign. The City Manager may waive a single 30-day removal requirement for commercial businesses that are going out of business.

b. The area of each banner sign shall not exceed 25 square feet for tenant frontages of 25 linear feet or less or one square foot per linear foot for tenant frontages of more than 25 linear feet. The combined maximum area of all banner signs displayed over all frontages shall not exceed 100 square feet.

c. Banner signs shall be mounted flush to a building, wall or fence and may not be located on a roof, awning, or overhang. In the event of sight line constraints, the City Manager may exercise discretion in the application of this standard, or may permit banner signs to be hung securely between two or more firm and sturdy objects.

d. Banner signs shall not contain telephone numbers, fax numbers, e-mail addresses or website addresses.

e. Banner signs shall not be used as a substitute for permanent signage or for purposes similar to real estate signs.

f. No more than 30 percent of the tenants in a multi-tenant building or shopping center may display banner signs at a single given time.

(3) *Interim identification banner signs.* One interim identification banner sign per tenant shall be permitted during permanent sign change outs where new permanent signage has been approved by the City Manager but is not yet installed, or for new tenants where permanent signage has been approved by the City Manager but is not yet installed, subject to the following:

a. The banner sign may be displayed for a term not to exceed 30 days and shall be removed upon installation of the permanent signage.

b. The banner sign shall only be permitted to be displayed in the location where the approved forthcoming permanent signage will be installed.

c. Banner copy and size shall be limited to the copy and size approved for the forthcoming permanent signage and “Coming Soon,” “Grand Opening,” or similar language, if applicable.

d. No other temporary signage shall be displayed concurrent with an interim identification banner sign.

(4) *Real estate signs.* For any one residential development or nonresidential building, one real estate sign shall be permitted, subject to the following:

a. The real estate sign may be displayed for a term not to exceed 12 months and shall be removed upon the close of escrow or when the sale, lease or rental of all units has been accomplished, whichever occurs first. Buildings with no current vacancies are not permitted to display real estate signs.

b. Sign copy shall be limited to information relating to the sale, lease or rental of the building for which the sign is displayed.

c. The real estate sign shall be located on the building site being sold, leased or rented. In the case of a shopping center, residential tract development, congregate care facility, or apartment/condominium complex, the sign may be located on common area property within the larger site as long as it does not occupy property used for pedestrian or vehicular access. Nearby nonresidential buildings of a similar purpose that are represented by the same agent may be limited to less than one sign per building.

d. The area of the real estate sign shall not exceed:

1. *Where located in a residential district.*

i. Four or less units per building: Six square feet.

ii. Five or more units per building: 32 square feet.

2. *Where located in a nonresidential district.* 32 square feet.

e. Shopping centers, congregate care facilities and apartment/condominium complexes with five or more units available for sale, lease or rental may display real estate banner signs in lieu of a real estate sign, subject to the following:

1. Real estate banner signs may be displayed for a term not to exceed 12 months and shall be removed when 60 percent of the units are sold, leased or rented, whichever occurs first.

2. A maximum of one real estate banner sign may be displayed per building frontage. No other banner signs or interim identification banner signs may be displayed concurrent with real estate banner signs.

3. The area of real estate banner signs shall not exceed one square foot per linear foot of building frontage up to a combined maximum of 100 square feet over all frontages.

4. Real estate banner signs must be mounted flush to a building, wall or fence and may not be located on a roof, awning or overhang. In the event of sight line constraints, the City Manager may exercise discretion in the application of this standard; however real estate banner signs shall not be permitted to be hung between two or more firm and sturdy objects.

5. Real estate banner signs shall not contain telephone numbers, e-mail addresses or website addresses.

(5) *Shopping center decorative signs.* In shopping center parking areas, decorative banners, flags, garland and pennants displayed for noncommercial purposes shall be permitted subject to the following:

a. Shopping center decorative signs may be displayed for a term not to exceed 12 months.

b. Shopping center decorative signs cannot exceed a maximum size of 30 inches wide and 60 inches long, but may be required to be smaller to achieve aesthetic proportion, avoid blocking views or comply with this chapter.

c. The bottom of each shopping center decorative sign shall be mounted a minimum of ten feet above finished grade.

d. Shopping center decorative signs shall only be attached to individual light standards or permanent features in shopping center parking areas. Signs cannot link, adjoin or connect light standards or permanent features.

e. Shopping center decorative signs cannot have any wording, lettering or logos with the exception of:

1. The name and/or logo of the shopping center, consistent with an approved sign program if applicable; and/or

2. A decorative design related to a holiday, season or noncommercial event.

(6) *Freestanding temporary signs.* Freestanding temporary signs shall be permitted for restaurants and retail businesses in commercial districts subject to the following:

a. Specific regulations for eligible sites are:

1. *Restaurants in commercial districts.*

i. One freestanding temporary sign may be displayed for a term not to exceed 12 months during open business hours, provided that the restaurant does not have any permanent signage that includes menu information.

ii. Sign copy is limited to the name of the restaurant and menu information. Sign copy shall not include contact information or advertise promotions, functions, or other activities.

2. *Retail businesses in commercial districts.*

i. One freestanding temporary sign may be displayed as an alternative to banner signs. Freestanding temporary signs shall be subject to the same time of display restrictions that pertain to banner signs and shall be counted toward the 120-day maximum display limit.

ii. Sign copy shall not include contact information.

b. Freestanding temporary signs shall not exceed a maximum height of four feet and two feet wide including frames. Width at base, construction and design shall be as necessary to provide a firm and sturdy base.

c. Freestanding temporary signs shall be located against the building and adjacent to the entryway. Signs shall not be located in landscape areas. There shall be a minimum of four feet of clearance around the sign.

Section 13.20.100. Special temporary sign permits.

(a) *Nonprofit community service organization sign permits.* A no-fee permit for regular banner signs may be granted by the City Manager for a two week period or less, to nonprofit community service organizations for functions which will benefit the general public or a majority of the City's residents. Signs shall conform to all design, location and other standards of this chapter (excluding maximum number

of signs) and may also be used to advertise functions unrelated to the premises upon which signs are located. Banners shall be exempt from the 30-day removal and 120-day aggregate use limits.

(b) *Community facilities sign permits.* Tenants in community facilities districts may apply for a calendar year sign permit allowing a maximum of two temporary signs on their property at any one time. No other temporary signage that requires a sign permit may be displayed on-site while a community facilities sign permit is in effect. Signs permitted by a community facilities sign permit are subject to the following:

(1) Signs shall be subject to this chapter's standards for each relevant sign type, including but not limited to, height, area, copy, and location, but are exempt from time of display restrictions.

(2) Sign copy must be related to the community facilities sign permit holder's primary use, not an incidental or accessory use. Signs advertising an activity or event may not be displayed more than 30 days in advance and must be removed within 48 hours of the end of the activity or event.

(3) Banners signs may be allowed in a rigid mounting structure, subject to the City Manager's approval. Approval of a rigid mounting structure must consider, at a minimum, building code requirements for wind load and footing design. Only one rigid mounting structure shall be permitted per site.

(4) Tenants with permanent changeable copy signs used to advertise short-term promotions, functions, or activities are not eligible to obtain community facilities sign permits.

(c) *Special event/temporary use signs.* The City Manager may exercise discretion in approving any of the temporary signs (including standards thereof) described in this chapter for display during a special event and/or temporary use, so long as the purpose and intent of this chapter is met and subject to the following:

(1) Special event/temporary use signs shall only be approved as part of a special event or temporary use permit.

(2) Signs shall be located on the site of the special event or temporary use.

(3) Signs shall have a time of display limit concurrent with the special event or temporary use and shall not be counted toward the time of display restrictions described in this chapter.

(4) Sign copy shall be directly related to the special event or temporary use.

(5) Incidental or accessory outdoor use of balloons may be approved. The type, quantity, size, material, and location of balloons is subject to the approval of the City Manager and will be considered based on sight line constraints, as well as protection of public health, safety and welfare. Balloons shall not be intentionally released or made of any metallic material. Balloons may be staked into the ground or attached to permanent building features.

Section 13.20.110. Signs not requiring a permit.

(a) *Sign permit not required.* The following types of signs are permitted without a sign permit; however the sign owner shall not be relieved of other City permit requirements, sign maintenance responsibilities, and compliance with applicable provisions of this chapter or any other law or ordinance:

(1) *Election signs.* Election signs are limited to government elections and are subject to the following:

a. Election signs shall be placed no earlier than 60 days prior to the election promoted by or related to the election sign and shall be removed not later than 10 days following the date of the election, except that election signs that carry over promotional information from a primary election to a general election need not be removed during the time between the related elections.

b. The area of each election sign shall not exceed 25 square feet.

c. The height of each election sign shall not exceed 12 feet.

d. All election signs shall include the name of the sign owner or the sign owner's agent and a telephone number and physical address where such owner or owner's agent may be contacted.

(2) *Window signs.* Permanent and temporary window signs are limited to tenants in commercial districts and subject to the following:

a. Permanent and temporary window signs shall be limited to a combined maximum of 25 percent of the window area on each tenant frontage.

b. Permanent window signs may be displayed year-round. Temporary window signage shall be removed at least every 60 calendar days.

c. Neon signs (plug-in, nonstructural), such as “open” and “closed” signs, shall be permitted as part of the total allowable permanent window signage, not to exceed a combined total of six square feet or 25 percent of the window area on each tenant frontage, whichever is less. Neon signs shall be located inside, behind closed windows, doors or walls, at all times.

d. Temporary window signs may contain noncommercial copy and are not limited to advertising short-term promotions, functions, or activities.

(3) *Open house signs.* Open house signs are limited to residential districts and subject to the following:

a. Open house signs may be displayed between the hours of dawn to dusk, and only while the open house is in progress.

b. Open house signs for residential units located in a common interest development shall be limited to three per unit and may be placed on-site or on common area associated with the unit. Single family residences shall be limited to one open house sign per property which shall be placed on-site.

c. The copy of open house signs shall be limited to information relating to the sale, lease or rental of the unit or property, hours of the open house and directions to the open house.

d. The area of each open house sign shall not exceed four square feet.

(4) *Garage, estate and yard sale signs.* Garage, estate and yard sale signs are limited to residential districts and subject to the following:

a. Garage, estate and yard sale signs may be displayed between the hours of dawn to dusk, and only while the sale is in progress.

b. Garage, estate and yard sale signs for residential units located in a common interest development shall be limited to a total of three per unit and may be placed on-site or on common area associated with the unit. Single

family residences shall be limited to one garage, estate or yard sale sign per property which shall be placed on-site.

c. Garage, estate and yard sale sign copy shall be limited to information relating to the sale, hours of the sale and directions to the sale.

d. The area of each garage, estate or yard sale sign shall not exceed four square feet.

(5) *Signs in residential enclosed areas.* In residential districts, signs located within malls, courts, arcades or other enclosed areas where signs are not visible from any point of the site boundary are permitted without limitation.

(6) *Residential decorative signs.* In residential districts, banners, flags, garland, pennants and other signs displayed for noncommercial purposes that are each no more than 10 square feet in area with decorative designs related to a holiday, season, noncommercial event or affiliation are permitted without limitation.

(7) *Incidental signs.* Incidental signs that are no more than three square feet in area (e.g., “residence protected by alarm,” “beware of dog,” “no trespassing,” street address, etc.) are permitted without limitation.

(8) *Private traffic control signs.* Signs solely for the purpose of guiding vehicular traffic and parking on private property are permitted as required by a site development permit or at the discretion of the private property owner and may contain content similar to a traffic sign so long as the signage does not interfere with, mislead or confuse traffic on City-owned streets.

(9) *Club function signs.* Freestanding temporary signs and temporary easel signs are permitted for club functions subject to the following:

a. Club function signs must be temporary in nature and only identify short-term functions of a noncommercial and limited-term nature (e.g., “meeting today” displayed outside a room and/or onsite directing guests to a room).

b. Club function signs are only permitted in community facilities districts and at country clubs located in open space or residential community districts, and only if sponsored by a club, non-profit community service organization, religious/spiritual organization, or government agency.

c. Club function signs shall be in place no more than two hours prior to a function and removed no later than two hours after the function.

d. Club function signs shall not obstruct entrances, walkways, or parking areas.

(10) *Construction entrance and exit signs.* One sign identifying the entrance and one sign identifying the exit of a construction site shall be permitted on each construction site, subject to the following:

a. The area of each sign shall not exceed 24 square feet.

b. The height of each sign shall not exceed the minimum height necessary to be visible to incoming or outgoing traffic, as applicable.

c. Signs shall only be displayed during periods of active construction and shall be removed upon completion of the final City building inspection.

Section 13.20.120. Prohibited signs.

The following types of signs are prohibited unless specifically permitted in this chapter:

- (1) Temporary signs not specifically allowed in this chapter.
- (2) Signs held, worn, waved, or rotated by any individual, or attached or affixed to any animal, and used to attract attention for the purpose of promoting products and/or services or to direct individuals to a particular location.
- (3) Signs that emit any noise.
- (4) Balloons such as blimps, hot air balloons, or similar devices.
- (5) Electronic message board signs.
- (6) Signs that use florescent colors or paints.
- (7) Neon signs displayed on the exterior of any property.
- (8) Flashing, blinking, rotating, revolving, inflatable, or spotlight signs.

- (9) Billboards.
- (10) Off-site signs or similar signs used to advertise or promote a use or activity unrelated to the site upon which the sign is placed.
- (11) Portable signs.
- (12) Roof signs.
- (13) Pole signs.
- (14) Signs that display, imply, identify or advertise activities which are illegal under federal, state or local laws.
- (15) Signs that display, imply, identify or advertise sexual or contain profane or nude copy.
- (16) Signs that simulate or imitate in size, color, content, coloring or design any traffic signal, sign or device, or which makes use of the words "Stop," "Look," "Warning," "Caution," "Danger" or any other words, phrases, symbols or characters in a manner to interfere with, mislead or confuse traffic.
- (17) Signs that are located on, attached to, extending into or over, or impeding any fire hydrants, legal fire lanes or City property, including but not limited to traffic signals, streetlights and utility poles.
- (18) Signs that are unsafe or constitute a hazard to public health, safety or welfare by reason of design, location, condition or any other factor determined by the City Manager.
- (19) Abandoned signs.
- (20) Advertising device/display.
- (21) Signs in outdoor restaurant seating areas, including copy on umbrellas.

Section 13.20.130. Exemptions.

Temporary signs erected, displayed or approved by the City (i) pursuant to a federal, state or local law, rule or agreement; (ii) relating to public safety, health or welfare; (iii) serving any directional, wayfinding, informational or decorative

purpose and located on City-owned property; (iv) advertising a City-sponsored activity, special event or temporary use; or (v) relating to a public works or maintenance project are exempt from this chapter.

Section 13.20.140. Legal nonconforming signs.

(a) *Existing signs.* Signs legally existing prior to the effective date of this chapter shall not require compliance with this chapter until any of the following is true:

- (1) The sign violates the terms under which it was legally approved.
- (2) The sign is not properly maintained.
- (3) The sign is unsafe or constitutes a hazard to public health, safety or welfare.
- (4) The sign displays, implies, identifies or advertises any use or activity which is illegal under federal, state or local law.
- (5) Sign copy is changed, except for changeable copy signs provided that the new copy does not advertise or promote a use or activity unrelated to the site.
- (6) The sign is relocated.
- (7) The sign is removed or abandoned.
- (8) Over 50 percent of the actual value of the sign is damaged or destroyed. The City Manager shall determine whether a sign is damaged or destroyed beyond 50 percent of actual value based on the actual cost of replacing the sign.
- (9) Any City permit is requested to structurally or electrically expand the sign. Permits shall be issued contingent on the sign being brought into compliance.
- (10) Any City permit is requested for major expansion, alteration or remodel of the site, use or activity that the sign is related to. Permits shall be issued contingent on the sign being removed or brought into compliance.

(b) *Establishment of legal nonconforming status.* The burden of establishing a sign as legally nonconforming is the responsibility of the sign owner.

(c) *Compliance disclaimer.* Status as a legal nonconforming sign is not intended to be exclusive and shall not excuse noncompliance with any federal, state or other local laws, including but not limited to City permit requirements for alterations.

Section 13.20.150. Sign programs.

(a) *Purpose.* Sign programs provide incentive and latitude to achieve effectiveness, attractive appearance, compatible design and variety in permanent signage.

(b) *Generally.* The standards of this chapter related to permanent signs may be modified on a site-by-site basis, pursuant to a sign program approved by the City Council. A zoning variance approved by the City Council is required to approve prohibited or temporary signage that does not comply with this chapter.

(c) *Sign program required.* Sign programs shall be required for:

(1) Each new or remodeled commercial center, office complex, business park or similar multi-tenant site, regardless of parcelization.

(2) Each building that proposes any combination of three or more permanent signs or any permanent signage that would not comply with this chapter.

(3) Any sign proposal deemed necessary by the City Manager or this chapter.

(d) *Submission materials.* Applications for a sign program shall be accompanied by the following materials and the payment of fees established by resolution of the City Council:

(1) *Site plan.* A site plan, drawn to scale, delineating the site proposed to be included in the sign program and the location of all existing signs, proposed signs and means of illumination.

(2) *Building elevations.* Building elevations, drawn to scale, for each elevation with existing signs, proposed signs and means of illumination included.

(3) *Proposed signs.* Information describing the proposed signs, including area, dimensions, copy, material and means of illumination.

(4) *Landscape plans.* Plans, drawn to scale, showing the effect of the proposed signs on site landscaping or a signed letter stating no effect.

(5) *Property owner authorization.* If the property owner is not the applicant for the sign program, he/she shall submit a signed letter of authorization.

(6) *Supplemental information.* Supplemental information may be required to review and consider approval of the proposed sign program.

(e) *Findings.* The following minimum findings are required for sign programs:

(1) The proposed signs are well-designed, compatible with community character and harmonious with surrounding properties, buildings and streetscapes;

(2) The proposed signs are clear and legible in the circumstances in which they are seen;

(3) The proposed signs are appropriate to the type of business or activity to which they pertain; and

(4) The proposed signs are displayed in a manner that does not harm public health, safety and welfare.

Section 13.20.160. Enforcement.

(a) *Consecutive Violations.* Each day in which a violation occurs and each separate sign in violation of this chapter shall constitute a separate violation of this chapter punishable by fines or sentences issued in accordance herewith.

(b) *Illegal signs.* Any sign that does not have a required permit or otherwise violates this chapter shall be deemed illegal. If the City Manager determines a sign to be illegal, he/she may order the property owner and/or sign owner to remove the sign or may require such other actions to ensure compliance with this chapter.

(c) *Signs on City property.* The City Manager may remove any illegal signs on City property summarily and without prior notice. Illegal signs may be disposed if they are not claimed within five working days of removal.

(d) *Signs on private property.* The City Manager may order the property owner and/or sign owner to remove any illegal signs on private property or may require such other actions to ensure compliance with this chapter. Upon failure to comply with a removal order from the City Manager, the City Manager may exercise the nuisance abatement process described in this Code to remove illegal signs. Illegal signs may be disposed if they are not claimed within ten working days of removal.

(e) *Fees*. The City Council may establish by resolution fees as are necessary and reasonable to cover the cost of removing and storing illegal signs. Such fees shall be collected at the time of claim. The City Manager is authorized to use collection proceedings to recover uncollected fees after the claim period has ended.

(f) *Liability*. Neither the City nor any of its agents shall be liable for any damage to a sign which is removed under this section.

(g) *Non-exclusive Remedies*. Each and every remedy available for the enforcement of this chapter shall be non-exclusive and it is within the discretion of the City Manager to seek cumulative remedies. The remedies available to the City pursuant to this Code and chapter, including but not limited to removal authority, shall not limit the right of the City to seek any other remedy that may be available by law.

SECTION 5. Effective Date.

This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 6. Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 7. Deputy City Clerk's Certification

The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2011.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

STEPHEN A. MCEWEN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Ordinance No. 11-XX** was duly
introduced and placed upon its first reading at a Regular Meeting of the City
Council on the 16th of February, 2011, and that thereafter, said Ordinance was duly
adopted and passed at a Regular Meeting of the City Council on the _____ day of
_____, 2011 by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

8.1
CITY ATTORNEY SERVICES
(No Report)

8.2
CITY COUNCIL MEETING SCHEDULE

Proposed
2011 City Council Meeting Schedule

| | |
|----------------------------|---|
| March 16 th | regular meeting |
| April 20 th | regular meeting |
| May 4 th | adjourned regular meeting/annual budget |
| May 18 th | regular meeting |
| June 1 st | adjourned regular meeting/annual budget |
| June 15 th | regular meeting |
| June 29 th | adjourned regular meeting/annual budget (only if required) |
| July 20 th | regular meeting |
| August 17 th | regular meeting |
| September 21 st | regular meeting |
| October 19 th | regular meeting |
| November 16 th | regular meeting |
| December 15 th | adjourned regular meeting |
| December 21 st | cancel due to holiday |

9.1
SMOKING REGULATIONS

**City of Laguna Woods
Agenda Report**

FOR: February 16, 2011 City Council Meeting

TO: Honorable Mayor and Councilmembers

FROM: Leslie A. Keane, City Manager 

AGENDA ITEM: Smoking Regulations

Recommendation

- A. Adopt an ordinance modifying Laguna Woods smoking regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND
ESTABLISHING CHAPTER 7.16 – SMOKING IN PUBLIC
PLACES AND PLACES OF EMPLOYMENT

OR

- B. Modify, reintroduce and approve first reading of an ordinance modifying current Laguna Woods' smoking regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND
ESTABLISHING CHAPTER 7.16 – SMOKING IN PUBLIC
PLACES AND PLACES OF EMPLOYMENT

Background

At its January 19, 2011 meeting, the City Council introduced and approved first reading of an ordinance modifying current smoking regulations. In addition to several internal clarifications, this ordinance would prohibit smoking in and on unenclosed patios and balconies in multifamily units.

Discussion

Since Council's initial action, several issues have been raised by residents and staff is seeking clarification on the intent of the ordinance. The proposed regulations do not prohibit smoking in and on enclosed patios and balconies even if all windows and doors are open.

1. Some enclosed patios and balconies are primarily glass and can be almost entirely open at times. The proposed ordinance does not regulate smoking in enclosed patios and balconies even if all windows and doors are open.
2. Some patios and balconies are screened-in only. The question is should these be considered enclosed or unenclosed. The City's Building Codes considers screened patios/balconies as enclosures, although the space itself is also considered an "outdoor area." A strict interpretation of the proposed ordinance language would allow smoking in screened patios and balconies. If the Council wished to prohibit smoking in screened patio/balcony areas, the ordinance should be modified.
3. Technically all residential units within the Village are multifamily units; however, the ordinance defines "multifamily" as a building or portion thereof that contains more than one dwelling unit. As currently drafted, homes in the Village Gate 11 area which do not have shared walls or adjoined ceiling/floors would not be subject to the prohibition of smoking on unenclosed patios and balconies.

Recommendation "A" above adopts the ordinance introduced at the Council meeting with no modifications; if approved, the new regulations would become effective in mid-March. Recommendation "B" assumes that the Council makes some modifications to the proposed regulations. If that is the case, the ordinance would come back for final adoption in March, with an effective date of mid-April.

Fiscal Impact

The City's enforcement of the smoking regulations is primarily on a complaint basis. Code enforcement activity is supported by fines associated with actual citations. To date, the City has given numerous warnings about smoking violations, but no citations.

Conclusion

The proposed ordinance was introduced at the January 19, 2011 meeting. If adopted as introduced, it would become effective on March 19, 2011; if modified, it would come back for adoption on March 16, 2011, with an effective date of April 16, 2011.

Attachment: Proposed Ordinance

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND ESTABLISHING
CHAPTER 7.16 – SMOKING IN PUBLIC PLACES AND PLACES OF
EMPLOYMENT

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1. Findings and Intent - Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," *Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI)*, August 1999.)

The Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," *U.S. Department of Health and Human Services (DHHS), Public Health Service, National Toxicology Program*, 2000.)

A study of hospital admissions for acute myocardial infarction in Helena, Montana before, during, and after a local law eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smokefree workplaces and public places may be associated with a reduction in morbidity from heart disease. (Sargent, Richard P.; Shepard, Robert M.; Glantz, Stanton A., "Reduced incidence of admissions for myocardial infarction associated with public smoking ban: before and after study," *British Medical Journal* 328: 977-980, April 24, 2004.)

Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", *Tobacco Control* 6(4): 346-353, Winter, 1997.)

The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," *Nonsmokers' Voice* 15(1): 8-9.)

The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. (Department of Health and Human Services. The Health Consequences of Involuntary Smoking: A Report of the Surgeon General. Public Health Service, Centers for Disease Control, 1986.) The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. (Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," *Washington, D.C.: Environmental Protection Agency (EPA)*, June 1989.)

The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" *British Medical Journal* 328: 980-983, April 24, 2004.)

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," *Tobacco Control* 11(3): 220-225, September 2002.)

Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997.)

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smokefree. Creation of smokefree

workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L. The effect of ordinances requiring smokefree restaurants on restaurant sales in the United States. *American Journal of Public Health*, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," *GPI Atlantic*, September 2001.)

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997.)

Accordingly, the City Council of the City of Laguna Woods finds and declares that the purposes of this Chapter are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 2. Laguna Woods Municipal Code Chapter 7.16 is hereby rescinded and replaced with Chapter 7.16 – Smoking in Public Places and Places of Employment

Section 7.16.010. Purpose

The purpose of this chapter is to protect the public health and welfare by regulating smoking in places available to and used by members of the public and in places of employment.

Section 7.16.020. Definitions

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (05) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- (10) "Business" means a sole proprietorship, partnership, joint venture, corporation, association, or other entity formed either for-profit or not-for-profit making purposes, that is open to members of the public and/or has an employee as defined in this section.

- (15) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and/or a person who volunteers his or her services for an employer, association, nonprofit or volunteer entity.
- (20) "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- (25) "Enclosed" means closed in by a roof and contiguous walls or windows, connected floor to ceiling with appropriate opening for ingress and egress.
- (30) "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.
- (35) "Multi-unit" Residential Facility means a building or portion thereof that contains more than one dwelling space consisting of essentially complete independent living facilities for one or more persons and includes apartments, condominiums, cooperatives and group homes. A single family residence shared by roommates is not considered a multi-use residence for the purpose of this Chapter.
- (40) "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
- (45) "Public Place" means any enclosed area, public or private, to which the public is permitted, regardless of any fee or age requirement. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
- (50) "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is

prepared on the premises for serving elsewhere. The term "restaurant" shall include an attached bar.

- (55) "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- (60) "Service Area" means any area designated to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not the service involves the exchange of money.
- (65) "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- (70) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

Section 7.16.030. Prohibition of Smoking in Public Places

Except as otherwise hereinafter provided by this chapter, smoking shall be prohibited in all:

1. Enclosed areas of all public places, including lobbies, elevators, reception, waiting and service areas, hallways, and other areas used by members of the public, located within the City, including but not limited to the following:
 - a. Any portion of a museum, aquariums, gallery, library, or museums which is open to and used by members of the general public;
 - b. Any portion of a grocery store, supermarket or other retail food marketing establishment which is open to and used by the general public;
 - c. Any restroom open to and used by the general public;
 - d. Any portion of a theater, auditorium, clubhouse or hall which is open to the general public and used for exhibiting a motion picture, live theatrical performance, religious or spiritual service, banquet, lecture, musical recital or similar performance;
 - e. Hallways, examination rooms, rooms used for treatment, wards and semi-private rooms of health care facilities;
 - f. Any licensed child care or adult day care facility;

- g. Lobbies, hallways, game rooms, meeting rooms, laundry rooms, and other common areas in multi-unit residential facilities;
 - h. Public transportation facilities, including buses and taxicabs, under the authority of the City of Laguna Woods, and ticket, boarding, and waiting areas of public transit depots;
 - i. Any restaurant or bar, including those in private clubs;
 - j. Any portion of a building owned, leased and/or operated by a public agency or entity which is open to and used by the public and is subject to the jurisdiction of the city;
 - k. Polling places;
 - l. Any recreation or sports facility, including but not limited to gymnasiums, enclosed swimming pools, roller skating and ice skating rinks, bowling alleys, pool halls, health spas, clubhouses and other similar places where members of the public assemble whether to engage in physical exercise, participate in athletic events or participate in sports events;
 - m. Any other business or establishment or portion of a business or establishment which is open to and used by the general public, including but not limited to banks, professional offices, retail stores, enclosed shopping malls, laundromats, beauty and barber shops, nails salons, professional offices, hotels and motels.
2. Unenclosed areas of the following public places, subject to the reasonable distance requirement in Section 7.16.050:
- a. Any service area where one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money;
 - b. Outdoor dining areas of restaurants;
 - c. Unenclosed swimming pools in a multifamily residence;
 - d. Unenclosed hallways, entryways, breezeways, stairways and other common areas accessible and useable by more than one residence in a multifamily residential facility;
 - e. Unenclosed balconies and patios in multifamily residential facilities.
 - f. Covered and semi-covered carports shared by more than one residential unit.
 - g. Ticket, boarding and waiting areas for public transportation services;

- h. Entrances and exits to enclosed public areas;
- i. City parks and preserves;
- j. Sites of public events sponsored or co-sponsored by the City, including sports events, entertainment, ceremonies, speaking performances, pageants and fairs.

Section 7.16.040. Prohibition of Smoking in Places of Employment

- (a) Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- (b) This prohibition on smoking shall be communicated to all existing employees by the effective date of the ordinance from which this chapter is derived and to all prospective employees upon their application for employment.

Section 7.16.050. Reasonable Distance

Smoking in unenclosed areas shall be prohibited within a reasonable distance of 20 feet from any entrance, opening, crack or vent into an enclosed area where smoking is prohibited, except while actively passing on the way to another destination and so long as smoke does not enter any enclosed area in which smoking is prohibited.

Section 7.16.060. Where Smoking Not Regulated

Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of Section 7.16.030 of this chapter:

- (1) With the exception of locations specifically identified in Section 7.16.030, private residences, except when used as a licensed child care, adult day care, or health care facility.
- (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- (3) Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this chapter.
- (4) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and

have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Chapter.

- (5) Outdoor areas except those covered by the provisions of Sections 7.16.030 and 7.16.040.

Section 7.16.070. Declaration of Establishment as Nonsmoking

Notwithstanding any other provision of this Chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 7.16.080 of this chapter is posted.

Section 7.16.080. Posting of Signs

(a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, by the owner, operator, manager, or other person in control of that place.

(b) Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this chapter by the owner, operator, manager, or other person having control of the area.

Section 7.16.090. Nonretaliation

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter.

Section 7.16.100. Enforcement

(a) The provisions of this chapter shall be enforced by the City Manager and/or his or her authorized designee.

(b) Notice of the provisions of this chapter shall be given to all applicants for a business license in the City of Laguna Woods.

- (c) Any citizen who desires may register a complaint under this chapter with the City Manager and/or his or her authorized designee who will determine if enforcement is warranted based on the facts of the complaint.
- (d) The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.
- (e) An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating this chapter of the appropriate provisions thereof.
- (f) Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.
- (g) In addition to the remedies provided by the provisions of this section, the City Manager or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 7.16.110. Violations and Penalties

- (a) A person who smokes in an area where smoking is prohibited by the provisions of this chapter shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).
- (b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this chapter shall be guilty of an infraction, punishable by:
 - (1) A fine not exceeding one hundred dollars (\$100) for a first violation.
 - (2) A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 - (3) A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- (c) In addition to the fines established by this section, violation of this chapter by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- (d) Each day on which a violation of this chapter occurs shall be considered a separate and distinct violation.

Section 7.16.120. Public Education

The City shall engage in a continuing program to explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter.

Section 7.16.130. Governmental Agency Cooperation

The City Manager shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this chapter. This includes urging all Federal, State, County and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Section 7.16.140. Other Applicable Laws

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 7.16.150. Liberal Construction

This chapter shall be liberally construed so as to further its purposes.

SECTION 3. Effective Date – This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 4. Severability – If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Deputy City Clerk's Certification – The Deputy City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the Deputy City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the Deputy City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED this ___ day of _____ 2011.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

STEPHEN A. MCEWEN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing Ordinance No. 11-XX was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 19th day of January 2011, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___ day of _____ 2011, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk