

# AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting  
October 21, 2009  
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:  Conners  Hack  Rhodes  
 Robbins, Mayor Pro Tem  Ring, Mayor

#### **IV. PRESENTATIONS**

None

#### **V. CITY PROCLAMATIONS**

5.1 Proclamation – Breast Cancer Awareness Month , October 2009

5.2 Commendation – Margie Green, 101<sup>st</sup> Birthday

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 September 16, 2009 regular meeting and October 2, 2009 special 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 Report

RECOMMENDED ACTION: Receive and File the September 2009 Treasurer's Report.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the October 21, 2009 Warrant Register in the amount of \$507,110.38.

6.5 Saddleback Golf Cars, 23252 Via Campo Verde (ZC 09-01, CUP-559)

RECOMMENDED ACTION: Adopt an ordinance establishing Zone Change ZC 09-01, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A ZONE CHANGE OF A 1.23-ACRE PARCEL ZONED "PROFESSIONAL AND ADMINISTRATIVE OFFICE (PA)" TO "COMMUNITY COMMERCIAL (CC)" LOCATED AT 23252 VIA CAMPO VERDE (APN 621-131-26)

6.6 Supplemental Law Enforcement Services Funds

RECOMMENDED ACTION: Allocate Supplemental Law Enforcement Services Funds received from the state of California in FY 09-10 to salary, benefits, supervision, equipment and related services for one-half of the cost for the Orange County Sheriff's Department deputy assigned to traffic enforcement in Laguna Woods.

## VII. PUBLIC HEARINGS

7.1 San Sebastian Sign Variance, 24299 Paseo de Valencia (ZV-586)

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. Approve a resolution granting a variance for signage at the San Sebastian condominium complex, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A VARIANCE (V-586) TO EXCEED THE PERMITTED TEMPORARY BANNER SIZE LOCATED AT 24299 PASEO DE VALENCIA

7.2 Building Fee Reductions for Environmental Improvement Projects

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. Approve a resolution establishing a pilot program that would reduce building permit fees for certain environmental improvements to residential units, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A PILOT PROGRAM REDUCING FEES FOR CERTAIN ENVIRONMENTAL IMPROVEMENTS TO RESIDENTIAL UNITS

**VIII. CITY COUNCIL**

**IX. CITY MANAGER**

9.1 Integrated Solid Waste Management Franchise

RECOMMENDED ACTION:

- A. Authorize the City Manager to finalize a five-year extension of the integrated solid waste franchise agreement with Ware Disposal, Inc., from July 2010 to July 2015, for approval by the City Council, consistent with the issues noted in this report. (Staff and Community Services Committee)

OR

- B. Initiate a competitive Request for Proposal (RFP) process to solicit proposals for a new integrated solid waste management franchise to start in July 2010.

## 9.2 Proposition 1A Property Tax Securitization

RECOMMENDED ACTION: Adopt a resolution approving participation of the City in the Proposition 1A Securitization Program and authorize the sale of City Proposition 1A receivables to California Communities, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

## 9.3 Fiscal Year 2008-09 Redflex Payments

RECOMMENDED ACTION: Approve a budget adjustment for FY 09-10 that carries over \$31,807 in vehicle code fine revenues from FY 08-09, increases the current year budget for Contract-Red Light Photo Enforcement by the same amount, and authorizes the payment of \$31,807 to Redflex Traffic System, Inc. in accordance with terms of the City's contract with the firm.

## **X. CITY ATTORNEY'S REPORT**

## **XI. COMMITTEE REPORTS**

- 11.1 Transportation Corridor Agencies (Councilmember Hack)
- 11.2 Orange County Library Board (Mayor Pro Tem Robbins)
- 11.3 Orange County Fire Authority (Councilmember Rhodes)
- 11.4 Southern California Water Committee (Councilmember Hack)
- 11.5 Coastal Greenbelt Authority (Councilmember Conners)
- 11.6 Laguna Canyon Foundation (Councilmember Rhodes)
- 11.7 Vector Control District Board (Board Member Bouer)

## **XII. PUBLIC COMMENTS**

## **XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS**

- 13.1 Reports on Meetings Attended (Government Code §53232.3)
  - A. League of Cities/OC Division meeting (Ring and Conners)
- 13.2 Other Comments and Announcements

## **XIV. CLOSED SESSION**

City Council will meet in closed session:

- A. Pursuant to Government Code Section 54956.9(c), to confer with legal counsel regarding one matter of pending litigation; and
- B. Pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Property: Located at the western edge of the city at the terminus of Santa Maria Avenue, commonly referred to as Laguna Laurel.

Agency Negotiator: Leslie A. Keane

Negotiating Party: The Irvine Company

Under Negotiation: Instructions to negotiator regarding terms

## **XV. ADJOURNMENT**

The meeting will be adjourned to a Meeting of the City Council at 2:00 p.m. on Wednesday, November 18, 2009 held 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 special 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.

**5.1**  
**PROCLAMATION-**  
**BREAST CANCER AWARENESS MONTH**  
**OCTOBER 2009**

# Proclamation

## City of Laguna Woods

Breast Cancer Awareness Month  
October, 2009

WHEREAS, Breast cancer is the most common cancer in American women and the second leading cause of cancer deaths in women in the United States; and

WHEREAS, Breast cancer is much less common in males by comparison and is usually detected between 60 and 70 years of age among males; and

WHEREAS, According to the American Cancer Society, an estimated 192,370 new cases of invasive breast cancer are expected to be diagnosed among women and 1,910 new invasive cases for men in the United States in 2009; and

WHEREAS, if breast cancer is detected in its earliest stages, the chance for long term survival is over 95%, compared to less than 25% for late stage diagnoses; and

WHEREAS, today, there are about 2.5 million breast cancer survivors living in the United States; and

WHEREAS, National Breast Cancer Awareness Month is celebrating 25 Years of Awareness, Education, and Empowerment.

NOW, THEREFORE, BE IT RESOLVED that the City of Laguna Woods City Council does hereby proclaim October 2009 as National Breast Cancer Awareness Month.

Dated this 21<sup>st</sup> day of October 2009

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Robert B. Ring, Mayor

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Attest: Yolie Trippy, Deputy City Clerk

**5.2**  
**COMMENDATION – MARGIE GREEN**  
**101<sup>ST</sup> BIRTHDAY**

# City of Laguna Woods

## Certificate of Commendation

**Margie Green**

Born October 6, 1908

WHEREAS, Margie Green celebrated her 101<sup>st</sup> Birthday on October 6, 2009 and is an inspiration for all generations; and

WHEREAS, Margie Green is an incredible wonder who swims, exercises three times a week, and belongs to two ballroom dance clubs; and

WHEREAS, Margie Green was introduced to ballroom dancing at the age of 62 by her late husband Alex Green; and

WHEREAS, Margie Green migrated to the City of Laguna Woods in 2006 after a hurricane destroyed her home in Florida; and

WHEREAS, Margie Green joined and met her new partner at the Ballroom Dance Club and have been dancing together ever since; and

NOW, THEREFORE, BE IT RESOLVED, that the Laguna Woods City Council does hereby commend Margie Green for her lifelong contributions and celebrates her resilience and longevity.

Dated this 21<sup>st</sup> of October 2009.

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Robert B. Ring, Mayor

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Attest: Yolie Trippy, Deputy City Clerk

**6.1-6.6**  
**CONSENT CALENDAR SUMMARY**

## City of Laguna Woods Agenda Report

**FOR:** October 21, 2009 City Council Meeting  
**TO:** Honorable Mayor and Councilmembers  
**FROM:** Leslie A. Keane, City Manager   
**Agenda Item:** Consent Calendar

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### Recommendation:

Approve all proposed actions on the October 21, 2009 Consent Calendar by a 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 October 21<sup>st</sup> Consent Calendar contains the following six items:

- 6.1 Approval of the minutes from the September 16, 2009 and October 2, 2009 meetings, as submitted.

## ITEMS 6.1 – 6.5

- 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 September 2009 monthly Treasurer's Report. This report identifies the City's current liquid assets and their location. At the end of September, the City had approximately \$10.4 million in cash on hand and in other liquid assets.
- 6.4 Approval of the October 21, 2009 Warrant Register, as submitted, in the total amount of \$507,110.38. This warrant register contains payments related to both Fiscal Year 2008-09 (\$41,333.04) and 2009-10 (\$465,777.34). A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Finance Manager's office.
- 6.5 Adoption of an ordinance rezoning a parcel located at the corner of Moulton Parkway and Campo Verde from Professional and Administrative Office (PA) to Community Commercial (CC). The City Council introduced and approved reading of this ordinance at its September 16, 2009 meeting. If adopted, the ordinance would become effective November 21, 2009.
- 6.6 Allocation of Supplemental Law Enforcement Services Funds received from the state of California for one-half of the cost for the Orange County Sheriff's Department deputy assigned to traffic enforcement in Laguna Woods. The Sheriff's Department is seeking City Council action to specifically approve the allocation of Supplemental Law Enforcement Services Funds for the purpose described to more clearly comply with state reporting requirements. This action reflects the City Council's approval of the FY 09-10 budget on June 24, 2009.

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 October 21, 2009 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 AND SPECIAL MEETINGS**

**CITY OF LAGUNA WOODS, CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING  
September 16, 2009  
2:00 P.M.**

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**I. CALL TO ORDER**

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

**II. FLAG SALUTE**

Prior to leading the flag salute, Mayor Pro Tem Robbins requested a moment of silence to commemorate September 11 and Patriot Day.

**III. ROLL CALL**

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

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

**IV. PRESENTATIONS**

4.1   Orange County Fire Authority – Keith Richter, Fire Chief

Councilmember Rhodes introduced Chief Richter who made brief remarks.

**V. CITY PROCLAMATIONS**

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to approve Proclamation 5.1 - 5.2.

5.1   Proclamation – Fire Prevention Week, October 4-10, 2009

Chief Richter accepted the proclamation on behalf of the Orange County Fire Authority. Division Chief Ed Fleming also made brief remarks.

5.2   Commendation – Irma Franklin, 100<sup>th</sup> Birthday

Irma Franklin accepted the commendation and made brief remarks.

**VI. CONSENT CALENDAR**

Councilmember Hack removed Item 6.8 from the Consent Calendar.

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

6.1 City Council Minutes

Approved the minutes from the August 19, 2009 regular meeting.

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

6.3 Treasurer's Report

Received and filed the August 2009 monthly Treasurer's Report.

6.4 Warrant Register

Approved the September 16, 2009 Warrant Register in the amount of \$415,484.36.

6.5 Appointment of City Treasurer

Adopted Ordinance No. 09-05 authorizing the City Manager to designate a City Treasurer, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING TITLE 2 OF THE LAGUNA WOODS MUNICIPAL CODE RELATING TO APPOINTMENT OF THE CITY TREASURER

6.6 Massage Business Regulations

Adopted Ordinance No. 09-06 modifying massage business regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 6.40 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO MASSAGE REGULATIONS

6.7 Notice of Completion – City Hall ADA Parking Lot Reconstruction Project Phase 2

A. Accepted project completion of a contract with International Pavement Solutions for the City Hall ADA Parking Lot Reconstruction Project Phase 2.

B. Exonerated project posted bonds 35 days following recordation of Notice of Completion with the County of Orange.

6.8 El Toro Road Eastbound Pavement Rehabilitation Project

## ITEM 6.1

Councilmember Hack expressed his support for the project and highlighted the fact that it is partially funded by an American Recovery and Reinvestment Act (ARRA) grant.

Moved by Councilmember Hack, seconded by Councilmember Conners, and carried unanimously to approve Consent Calendar Item 6.8:

- A. Accepted an American Recovery and Reinvestment Act (ARRA) grant in the amount of \$500,000 for the EL Toro Road pavement rehabilitation project, and
- B. Awarded a contract to All American Asphalt, Inc. in the amount of \$559,951.70, plus authorized change orders not to exceed 10% of the base amount; and authorized the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

## VII. PUBLIC HEARINGS

### 7.1 Saddleback Golf Cars

City Planner Gutierrez summarized the agenda report.

City Manager Keane stated that a letter was received from the Golden Rain Foundation supporting the project, but opposing the recommended zoning designation; they requested a Highway Commercial zoning designation. Staff believes that a Community Commercial designation is more appropriate.

City Attorney McEwen indicated that while some Highway Commercial zones may result in less traffic, they could produce greater environmental impacts.

Councilmember Hack asked for clarification on staff's recommendation and information on how the applicant or the City plans to address fumes generated by the business.

City Manager Keane reviewed the staff recommendation and noted that building plans would be required to be approved prior to the start of construction.

City Planner Gutierrez noted that the project is required to include a filtration system for the proposed spray paint booth.

Councilmember Conners asked City Attorney McEwen if self-storage is excluded from Community Commercial zones.

City Attorney McEwen said that he would have to review the Zoning Code.

Councilmember Rhodes asked if the applicant will be required to recycle.

City Manager Keane stated that the City's commercial recycling program is voluntary, but noted that during construction, the project will be required to recycle.

City Attorney McEwen stated that the Fire Authority regulates hazardous waste disposal.

## ITEM 6.1

The public hearing was opened.

Cris Robinson, on behalf of the Golden Rain Foundation (GRF), expressed support for the project. She reiterated GRF's concern that a Community Commercial zoning designation could allow high traffic volumes for future uses of the site.

Phil Bellafaire, applicant/owner of Saddleback Golf Cars, responded to Councilmember Hack's question regarding fumes by explaining that the proposed location was built to the construction standards required by law. He stated that his business recycles metals and tires and that he's familiar with the law and looks forward to operating in the city.

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

Councilmember Rhodes asked if the City would be able to impose zoning restrictions on the use of the site, in order to address GRF's concerns.

City Manager Keane stated that overlay zones could be created, but that the process takes time. She noted that it is not likely that a restaurant would be able to occupy the building due to the limited amount of parking.

Mayor Ring asked if the owner of the street that the building is located on is able to place restrictions on the use of the property.

City Manager Keane stated that there is an easement preventing such restrictions.

Councilmember Connors asked if the easement is for a specific use or subject to change.

City Planner Gutierrez explained that the easement specifically allows use of the road to access the property and does not restrict the amount of traffic.

Councilmember Hack stated that he was sympathetic to GRF's concerns and asked if provisions could be included in the Conditional Use Permit (CUP) in order to meet both parties' needs.

City Manager Keane stated that CUPs typically expire when the business to whom they are issued leaves. The City Council has discretion to review use by new occupants on a project-by-project basis.

Councilmember Connors asked for clarification on the City Council's options.

City Manager Keane responded to Councilmember Connors' question and suggested that the General Plan's land use element could be reviewed if the City Council wishes. The process could take anywhere from six months to one year.

Councilmember Rhodes inquired about the applicant's timeline.

Mr. Bellafaire stated that his application was submitted in May 2009 and that he did not anticipate the process taking so long. He is currently on a month-to-month lease in the

City of Lake Forest.

Councilmember Hack supported City Manager Keane's idea to review the General Plan's land use element and suggested initiating related discussions with GRF.

Councilmember Rhodes concurred with Councilmember Hack and suggested that the City Council make a decision on the Saddleback Golf Cars project today.

City Manager Keane stated that staff could return to the City Council in 60 days with further information on a possible review of the General Plan's land use element.

Mayor Ring expressed his belief that the building would require major renovation for any type of use. He supports moving forward with the project.

Mayor Pro Tem Robbins noted that the building has been vacant and expressed his belief that the proposed project is suitable for the location.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve the Saddleback Golf Cars project:

A. Resolution No. 09-19 adopting Negative Declaration ND 09-01, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE DECLARATION ND-09-01 FOR SADDLEBACK GOLF CARS (ZC 09-01, CUP 559) LOCATED AT 23252 VIA CAMPO VERDE

AND

B. Introduced and approved first reading of an Ordinance approving Zone Change ZC 09-01, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A ZONE CHANGE OF A 1.23-ACRE PARCEL ZONED "PROFESSIONAL AND ADMINISTRATIVE OFFICE (PA)" TO "COMMUNITY COMMERCIAL (CC)" LOCATED AT 23252 VIA CAMPO VERDE (APN 621-131-26)

AND

C. Approved Resolution No. 09-20 authorizing Conditional Use Permit CUP 559, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 559) FOR THE OPERATION OF A GOLF CAR/CART RETAIL SALES AND SERVICE LOCATED AT 23252 VIA CAMPO VERDE

Council member Connors proposed that the City work with the Village Golden Rain Foundation to construct a golf cart path through their maintenance yard that would allow residents from the Village Gates 7 and 14 to get to the Willowtree Center via the Home Depot Center.

City Manager Keane noted that the City had in the past identified a trail system, but that parts of it were on private property and would require approval of those property owners and public access. She suggested that staff come back to the Council in early 2010 with additional information regarding this issue.

Councilmember Rhodes expressed his support for a citywide gold cart trail system.

## 7.2 Community Development Block Grant (CDBG)

City Manager Keane summarized the agenda report and noted a typographical error on page two in the first bullet point. The amount should be \$300,000.

Councilmember Hack stated that he is not in favor of the proposed sound attenuation enhancements and that the matter should be addressed by private property owners. He is in favor of the City Hall Phase III ADA project plan.

Mayor Pro Tem Robbins concurred with Councilmember Hack's comments.

Councilmember Connors asked if it is possible for the City to retain ownership of the proposed sound panels and the property owner to retain ownership of the actual wall. She also asked why Avenida de la Carlota was omitted from the potential locations list.

City Manager Keane stated that recent improvements were completed at this location by the County and CalTrans.

Mayor Pro Tem Robbins and Councilmember Hack expressed concerns about liability should the City proceed with improvements on private property.

City Manager Keane discussed a similar project on Moulton Parkway that was completed by the County of Orange and deeded to Laguna Woods Village after they accepted all responsibility and liability. She added that the City has not had any discussions with the Village regarding the proposed project.

Councilmember Rhodes noted that the wall size measurements in the agenda report should be reflected in linear feet. He mentioned that the maximum income requirement for the energy efficiency retrofit program seemed high for low-income qualifications.

City Manager Keane acknowledged the correction and stated that the income requirement guidelines are obtained from Federal Housing & Urban Development standards.

Community Services Manager Foley noted that Housing & Urban Development modifies

## ITEM 6.1

income requirements annually and that the City prioritizes applications so that the lowest qualified residents are selected first.

City Attorney McEwen responded to Councilmember Hack's liability concerns by stating that there would be no statutory basis for liability, although dangerous conditions could expose the City to liability.

The public hearing was opened.

Resident Marilyn Sortino asked if the barbed wire along the Laguna Woods Village walls would be removed, if the project were approved.

City Manager Keane reiterated that no discussions have been had with the Village, but indicated that the barbed wire would have to be removed to accommodate the panels.

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

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to approve an amendment to the existing three year Community Development Block Grant rehabilitation project for energy efficiency residential retrofit to increase funding from \$150,000 to \$312,500 for the second and third years of the program.

Moved by Councilmember Conners, seconded by Councilmember Hack, and carried unanimously to authorize staff to submit an application to the County of Orange for funding consideration under the Federal Community Development Block Grant Program for the City Hall Phase III ADA Master Plan.

Councilmember Conners asked staff for information on which sound attenuation projects would have a greater chance of receiving grant funding.

City Manager Keane indicated that any of the projects would be the largest amount the City has requested from the CDBG program. While there may be an increase of Federal funding available in the future, the County of Orange ultimately has funding discretion.

Councilmember Rhodes expressed his support for sound attenuation enhancements on El Toro Road.

Mayor Ring stated that he does not support the sound attenuation enhancements.

Councilmember Hack concurred with Mayor Ring's comments.

Moved by Councilmember Rhodes, seconded by Councilmember Conners to authorize staff to submit an application to the County of Orange for funding consideration under the Federal Community Development Block Grant Program for sound attenuation enhancements along the north and south sides of El Toro Road.

After brief discussion, Councilmember Conners withdrew her second and the motion was

withdrawn due to lack of a second.

Councilmember Conners asked if sound attenuation enhancements will be removed from the City's work plan.

City Manager Keane responded that she believed that was the consensus of the Council and she would follow that consensus.

### 7.3 Alternative Vehicle Parking Space Regulations

City Manager Keane summarized the agenda report.

Councilmember Rhodes asked for clarification on language in the ordinance defining an alternative vehicle as one that "does not contain doors." He indicated that some golf carts have doors.

City Manager Keane stated that the language was included to prohibit small cars from using alternative parking spaces.

Mayor Ring noted that small cars with doors opened on both sides, exceed the maximum allowable width in the alternative parking space.

Mayor Pro Tem Robbins asked for clarification on the effect of the proposed standard on the total number of parking spaces required for a given building.

City Manager Keane and Mayor Ring discussed the space saving benefits of alternative vehicle parking spaces.

The public hearing was opened.

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

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried with Councilmember Hack abstaining, to adopt Ordinance No. 09-07 to establish regulations for alternative vehicle parking spaces, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, AMENDING CHAPTERS 13.06 AND 13.18 OF THE  
LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OFF-  
STREET PARKING REGULATIONS

Councilmember Hack noted that he abstained because of his concerns with combining vehicles and golf carts on roadways and parking areas.

Councilmember Conners explained that her vote was intended to promote the use of alternative vehicles and safe transportation options for residents.

## VIII. CITY COUNCIL

## 8.1 City Council Advisory Committee Appointments

City Manager Keane summarized the agenda report.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to make the following appointments:

- A. Virginia Templeton – Public Safety Advisory Committee Chair
- B. Mary Stone (Robbins) – Public Safety Advisory Committee  
     Beverly Margolis (Hack) – Public Safety Advisory Committee  
     Bobby Oakes (Hack) – Community Services Advisory Committee

Councilmember Connors thanked the citizens who serve on the committees, stating that their input is valuable to the City Council and staff.

**IX. CITY MANAGER**

## 9.1 OCTA Go Local Step 2 Bus/Shuttle Service Planning Agreement

Assistant City Manager Reilly summarized the agenda report and noted that the City will request that OCTA change “cost up to \$100,000” to “cost up to \$20,000.”

Councilmember Connors asked if the Laguna Woods Village buses or the Laguna Hills Transportation Center provided direct transportation to the Irvine Transportation Center.

Assistant City Manager Reilly responded that they do not.

City Manager Keane clarified that a public shuttle would require a pick-up location that is available to all members of the public and would need to be located near Moulton Parkway.

Councilmember Hack expressed concerns with the lack of available transportation after 6 p.m. when the Laguna Woods Village bus routes end.

Councilmember Rhodes and Mayor Ring both reported that access to the Los Angeles and Ontario airports, by way of bus, will soon be available from the Irvine Transportation Center.

Moved by Councilmember Hack seconded by Councilmember Connors, and carried unanimously to approve a cooperative agreement with the Orange County Transportation Authority (OCTA) for Go Local Step 2 bus/shuttle service planning of the proposed Laguna Woods – Laguna Hills – Lake Forest to Irvine Metrolink Station route, as amended to indicate a cost of up to \$20,000 with the City’s share no more than \$2,000.

**X. CITY ATTORNEY’S REPORT**

City Attorney McEwen stated that many cities are struggling to conform to the new state law regarding massage business regulations and commended staff and the City Council for adopting the new ordinance.

## XI. COMMITTEE REPORTS

### 11.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack noted that ridership has been low due to the economy.

### 11.2 Orange County Library Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins announced that the ad hoc task force will conduct their second meeting on October 8, 2009 to review the library allocation consultant's report before forwarding with their recommendations to the Advisory Board on October 18, 2009.

### 11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes announced that he attended a meeting with representatives from the Orange County Professional Firefighters Association. He also participated in a ride-along with Station 22 firefighters and, along with Mayor Pro Tem Robbins, attended the September 11 Freedom Walk at City Hall. He encouraged all of the Councilmembers to schedule ride-alongs.

### 11.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack stated that the legislature continues to discuss water bills. He also attended a meeting that included a presentation on desalinization practices in Australia.

### 11.5 Coastal Greenbelt Authority (Councilmember Conners)

Councilmember Conners announced that the next meeting will be on September 17, 2009.

### 11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes announced that the Foundation has completed an acquisition for a four and one-half acre parcel. Four new road signs will be installed for the Wilderness Park along Laguna Canyon Road in the Fall.

Councilmember Rhodes was uncertain if the Foundation's application for the City's grant program had been awarded.

City Manager Keane indicated that the Foundation has submitted an application, but that the subject has not been presented to City Council and no grants have been awarded.

### 11.7 Vector Control District Board (Board Member Bouer)

Board Member Bouer was not present.

**XII. PUBLIC COMMENTS – None**

**XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS**

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

13.2 Other Comments and Announcements

Councilmember Connors commented on her recent tour of the Orange County local landfill. She encouraged residents to get their flu shots and announced that the Florence Sylvester Senior Center and Laguna Woods Village will have them available.

**XIV. CLOSED SESSION**

14.1 The City Council met in closed session to confer with legal counsel regarding:

A. One matter of litigation: Jhin Kim, Individually and on Behalf of the Estate of Ki Sook Kim, Hanna Chung, Jung K. Kim v. Alice Foster, Golden Rain Foundation of Laguna Woods, City of Laguna Woods and (Does 1-60) Inclusive (Case No. 00110038), pursuant to the provisions of Government Code Section 54956.9(a).

B. One matter of potential litigation, pursuant to the provisions of Government Code Section 54956.9(c).

The City Council reconvened at 5:14 p.m. and advised that there was no reportable action.

**XV. ADJOURNMENT**

The meeting was adjourned at 5:15 p.m. to a meeting of the City Council at 2:00 p.m. on Wednesday, October 21, 2009 held at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

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YOLIE TRIPPY, Deputy City Clerk

Adopted: October 21, 2009

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ROBERT B. RING, Mayor

**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
SPECIAL MEETING  
October 2, 2009  
2:00 P.M.**

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**I. CALL TO ORDER**

Mayor Ring called the Special 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**

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

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

The City Council recessed at 2:01 p.m. into Closed Session

**IV. CLOSED SESSION**

The City Council met in closed session to confer with legal counsel regarding one matter of potential litigation, pursuant to the provisions of Government Code Section 54956(c).

Councilmember Conners arrived at 2:30 p.m. to join City Council in the closed session meeting.

The City Council reconvened in open session at 3:19 p.m. and Mayor Ring advised there was no reportable action.

**V. PUBLIC COMMENTS**

None

**VI. ADJOURNMENT**

The meeting was adjourned at 3:20 p.m. to a Regular Meeting at 2:00 p.m. on Wednesday, October 21, 2009 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, Deputy City Clerk

Adopted: October 21, 2009

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ROBERT B. RING, Mayor

**6.2**  
**WAIVE READING OF ORDINANCES AND**  
**RESOLUTIONS**  
**(No Report)**

**6.3**  
**TREASURER'S REPORT**

**City of Laguna Woods**  
**Treasurer's Report**  
**September 30, 2009**

**CASH ON HAND**1. Investments/General Fund

Local Agency Investment Fund	\$	9,839,925
Subtotal	\$	9,839,925

2. Investments/Transportation Fund

Local Agency Investment Fund	\$	411,949
Subtotal	\$	411,949

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

Petty Cash Funds	\$	476
Analyzed Checking Account	\$	192,668
Subtotal	\$	193,144

<b>TOTAL</b>	\$	10,445,018
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Note: LAIF reports interest earnings quarterly.

**6.4**  
**WARRANT REGISTER**

CITY OF LAGUNA WOODS  
WARRANT REGISTER - FY 2010  
October 21, 2009

CK #	WR #	Vendor	Account	Item/Purpose	Amount
107922	10-0245	Douglas Reilly	001.6100.7204	Mileage Reimbursement/August-September 2009	186.45
107940	10-0246	Bank of America - Credit Card	2601	See Below	200.32
107941	10-0247	Ann Bernard	190.0000.2610	Taxi Voucher Refund	40.00
107943	10-0248	Rus Calisch	001.6500.7330	City Newsletter/Fall 2009	400.00
107951	10-0249	Garland Restoration	010.0000.4501	Waste Diversion Deposit Refund/BP23302A	1,500.00
				Waste Diversion Deposit Refund/BP23144C	3,000.00
107960	10-0250	Saddleback Windows & Doors	340.6590.7640	CDBG Energy Efficient Projects	19,349.00
107970	10-0251	Bennett's Plumbing	001.6590.7234	City Hall/Building Maintenance	1,325.48
107972	10-0252	CalPers/Health	001.6100.8110	Employee Benefit Program/October 2009	2,284.48
			001.6400.8110		425.11
			001.6100.7391		11.65
107974	10-0253	C N A	001.6100.8110	Employee Benefit Program/October-December 2009	518.16
107975	10-0254	C N A	001.6100.8110	Employee Benefit Program/October-December 2009	410.36
107979	10-0256	D & E Electrical	001.6700.7236	Monthly Maintenance/September 2009	930.00
107980	10-0257	David Evans & Associates	140.6590.7600	Traffic Mitigation/Capital Projects/August 2009	6,821.30
107982	10-0258	Dennis Nelson, PE	001.6700.7341	Landscape Maintenance/Inspection/August 2009	2,475.00
			010.6700.7331	Engineering Services/Deposit Based/August 2009	2,060.00
			100.6700.7332	Traffic Engineering Services/August 2009	7,925.81
			110.6590.7600	Measure M/Capital Projects/August 2009	11,203.45
			140.6590.7600	Traffic Mitigation/Moulton Smart Street/August 2009	6,355.00
			275.6590.7600	Ridge Route Linear Park Inspection/August 2009	2,505.00
107983	10-0259	El Toro Water District	001.6590.7231	City Hall Utilities/August 2009	28.00
107984	10-0260		001.6700.7341	Dog Park/Landscape Irrigation/September 2009	521.82
107985	10-0261		001.6700.7341	Dog Park Irrigation/August 2009	16.97
107986	10-0262		001.6590.7231	City Hall Utilities/August 2009	88.56
107987	10-0263	Flack & Associates	110.6700.7343	Street Maintenance	248.00
107990	10-0264	Law Office of Mark Skapik	001.6100.7301	City Attorney Services/August 2009	296.00
107991	10-0265	Los Angeles Times	001.6100.7221	Newspaper Delivery/September 2009	22.60
107993	10-0266	Madison Materials	361.6700.7349	Bulky Item Recycling	130.27
107995	10-0267	Office Depot	001.6100.7222	Printing Supplies/Paper	217.50
107996	10-0268	Orange Coast Title	140.6590.7600	Traffic Mitigation Fee/Moulton Smart Street	400.00
					821.00
107997	10-0269	Orange County Clerk-Recorder	001.6400.7323	Notice of Exemption Filing Fee	50.00

108002	10-0270	Saddleback Windows & Doors	001.6590.7234	City Hall/Building Maintenance	125.00
108003	10-0271	South Coast Printer Care	001.6100.7222	City Hall/Fuser/HP3800 Printer	271.86
108004	10-0272	Southern California Edison	100.6700.7341	Irrigation Controllers/September 2009	78.23
108008	10-0273	VMI, Inc.	001.6590.7251	PEG Equipment/Projector Repair	601.31
108009	10-0274	WLC Architects	001.6590.7259	Library Assessment Study/August 2009	4,314.00
108012	10-0275	Chris Macon	001.6100.7221	RACES ID Card	1.20
			001.6500.7335	Reimbursement/Library Event Supplies/Sept. 12, 2009	70.62
108014	10-0276	State Treasurer's Office	001.6100.7203	LAIF Conference/Jones/October 21-22, 2009	100.00
108015	10-0277	TruGreen Landscape	100.6700.7341	Landscape Extras & Irrigation Repairs/September 2009	1,178.44
108016	10-0278	Aliso Creek Printing	001.6100.7222	Business Cards/Blank	48.94
108017	10-0279	AT&T	001.6590.7232	Telephone/581-3974/August 2009	263.53
108019	10-0280	Blackboard Connect Inc	001.6600.7391	Emergency Contact Service/July-August 2009	6,270.00
108020	10-0281	Captioning Unlimited	001.6100.7391	Captioning/City Council Meeting/September 16, 2009	250.00
108021	10-0282	City of Laguna Beach	001.6600.7361	Annual Services/1st Quarter/Fiscal Year 2009-2010	20,665.00
108022	10-0283	Curbside	001.6700.7349	Door-to-Door Collections/July 2009	4,038.88
			001.6700.7349	Household Hazardous Waste Collect/E-Waste/July 2009	4,323.96
			001.6700.7349	Household Hazardous Waste Collect/Medical/Aug 2009	453.04
			001.6700.7349	Battery Collections/August 2009	587.76
108023	10-0284	D & E Electrical	001.6590.7234	City Hall Maintenance/August 2009	236.32
108024	10-0285	Dayle McIntosh Center	001.6500.7300	Community Service Grant/3rd Quarter Payment	1,250.00
108026	10-0286	El Toro Water District	001.6700.7341	City Hall/Landscape Irrigation/September 2009	3,033.21
108027	10-0287	FedEx	001.6100.7223	Delivery Services	17.04
108028	10-0288	Hoffman Finn Development	010.0000.4501	Waste Diversion Deposit Refund	1,200.00
108030	10-0289	Michael Landry	001.6700.7341	Reimbursement/Landscape Maintenance Repair Supplies	79.01
108031	10-0290	Overland, Pacific & Cutler, Inc.	140.6590.7600	Traffic Mitigation/Capital Project/August 2009	150.00
108032	10-0291	Practical Data Solutions	001.6100.7391	Symantec Virus Protection/3 Years	2,131.86
108033	10-0292	S.C. Signs	001.6590.7906	Banner	32.63
108034	10-0293	Southern California Edison	001.6590.7231	Utilities/City Hall/September 2009	1,843.49
108035	10-0294		001.6700.7341	Ridge Route Dog Park/September 2009	19.20
108036	10-0295	The Gas Company	001.6590.7231	City Hall/September 2009	16.82
108037	10-0296	Sandra Verrall	001.6400.8110	Employee Benefit Program/CACEO Conference	769.28
108041	10-0297	Aliso Creek Printing	001.6100.7222	Supplies/Date Stamper	59.00
108042	10-0298	AT&T	001.6590.7232	Telephone/458-3487/September 2009	31.78
108043	10-0299	CIT Technology	001.6100.7222	Copier Lease/City Hall/October 2009	647.07
			001.6100.7222	Copier Lease/Historical Society/October 2009	119.17
108044	10-0300	Gary Gates	001.6100.8110	Employee Benefit Program/September 2009	409.88
			001.6590.7232	Cell Phone Reimbursement/September 2009	40.00
			001.6100.7204	Mileage Reimbursement/September 2009	143.00

108045	10-0301	Joan Karl	001.6100.7203	International Code Council Meeting/September 2009	25.00
108046	10-0302	One Way Construction	010.0000.4501	Waste Diversion Deposit Refund	1,350.00
108047	10-0303	Orange County Clerk-Recorder	010.0000.4501	Waste Diversion Deposit Refund	1,455.00
108048	10-0304	Orange County Clerk-Recorder	001.6400.7323	Notice of Exemption Filing Fee/SP-359	50.00
108050	10-0305	Southern California Edison	001.6400.7311	Notice of Exemption Filing Fee/SP-547	50.00
108051	10-0306		001.6700.7236	Residential Streetlights/United/September 2009	1,466.23
108052	10-0307	Stratz Permit Services	110.6700.7343	Traffic Signal Controllers/September 2009	678.87
108053	10-0308	California Building Standards	001.0000.4401	Building Permit Cancellation	20.60
			001.0000.4401	Building Permit Fee Assessment to fund Building	500.00
			001.0000.4408	Standards Administration Fee	-40.90
108054	10-0309	Department of Conservation	001.0000.4401	Quarterly SMIP Report	169.61
			001.0000.4407	SMIP Education Fees	-7.53
108056	10-0310	Carousel Restaurant	001.6500.7320	Community Services Trip/Glendale/October 15, 2009	800.00
108057	10-0311	Glendale CC Planetarium	001.6500.7320	Community Services Trip/Glendale/October 15, 2009	400.00
108059	10-0312	Municipal Code Corporation	001.6100.7391	Municipal Code Ordinances	25.00
108060	10-0313	Darrell Sagert	010.0000.4501	Waste Diversion Deposit Refund	1,500.00
108061	10-0314	Southern California Edison	100.6700.7237	Safety Lights over Traffic Signals/September 2009	402.00
108062	10-0315		001.6700.7236	Residential Streetlights/Third/September 2009	4,315.54
108063	10-0316		100.6700.7237	Right of Way/September 2009	2,141.17
	10-0317	AT&T	001.6590.7232	Telephone/639-0500/September 2009	188.13
	10-0318		001.6590.7232	Telephone/452-0600/September 2009	218.29
	10-0319		001.6590.7232	Telephone/770-9359/September 2009	15.84
	10-0320		001.6590.7232	White Pages Listing/October 2009	3.43
	10-0321	American General	001.6100.8110	Employee Benefit Program/October-December 2009	42.40
	10-0322	American General	001.6100.8110	Employee Benefit Program/October-December 2009	119.78
	10-0323	Michael Balliet	001.6700.7350	Solid Waste & Recycling Consulting/September 2009	2,040.00
			290.6700.7349		1,050.00
			300.6700.7349		150.00
	10-0324	Bank of America - Credit Card	2601	See Below	397.20
	10-0325	California Yellow Cab	260.6700.7369	Taxi Voucher Program Services/September 2009	25,996.00
				NEMT Services/September 2009	3,980.00
	10-0326	County of Orange/Sheriff	001.6600.7351	OCSD Communications/Fiscal Year 2009-2010	24.00
	10-0327	County of Orange/Sheriff	001.6600.7351	Sheriff Services/October 2009	98,192.42
			230.6600.7351		10,000.00
			230.6600.7351	SLEF Reduction Credit	-8,052.47
	10-0328	County of Orange/Streets	110.6700.7343	Street Maintenance/August 2009	1,874.61
			110.6700.7347	Street Sweeping/August 2009	2,372.93
	10-0329	CA Soc. of Muni Fin. Officers	001.6100.7203	General Meeting/November 2009/Jones	32.00

10-0330	Curbside	001.6700.7349	Household Hazardous Waste/City Hall Event	8,883.04
10-0331	D & E Electrical	001.6590.7234	City Hall Maintenance/September 2009	130.00
10-0332	Mayme Gorman	190.0000.2610	Taxi Voucher Refund	40.00
10-0333	Hogle-Ireland	010.6400.7321	Deposit Based/Inspection Services/August 2009	300.00
		001.6400.7321	Building & Safety Inspection/August 2009	6,850.00
		001.6400.7311	Current Planning Services/August 2009	13,592.50
		001.6400.7322	Structural Plan Check/August 2009	4,095.00
10-0334	ICMA Retirement Corporation	001.6100.7303	Annual Plan/2nd Quarter/FY 2009-2010	125.00
10-0335	Ernestine Jones	001.6100.7203	Airfare/LAIF Conference/Jones/October 20-22, 2009	119.20
10-0336	Konica Minolta	001.6100.7222	Copier Service/July-September 2009	19.83
			Historical Society Copier Service/July-September 2009	19.84
10-0337	Konica Minolta	001.6100.7222	Copier Service/July-September 2009	301.26
10-0338	Konica Minolta	001.6100.7222	Copier Service/July-September 2009	52.30
10-0339	Kristar	001.6400.7357	Storm Drain Maintenance/September 2009	4,620.00
10-0340	Municipal Water District of OC	001.6000.7203	Water Policy Forum Meeting/Hack	60.00
10-0341	Office Depot	001.6100.7221	Office Supplies	359.39
10-0342	Overnite Express	001.6100.7223	Delivery Services	49.64
10-0343	P.F. Pettibone	001.6100.7221	Office Supplies	63.80
10-0344	Petty Cash	001.0000.0010	Petty Cash Reimbursement	523.57
10-0345	S.C. Signs	001.6590.7906	Signage/Sidewalk Closed	52.20
10-0346	South County Seniors	001.6500.7300	Community Services Grant/4th Quarter Payment	18,750.00
10-0347	Tyler Technologies	001.6100.7203	Fund Balance User Meeting/Jones. Leanza	200.00
10-0348	Ware Disposal	001.6700.7349	Household Hazardous Waste/City Hall Event	8,883.04
10-0349	Yolie Trippy	001.6100.8110	Employee Benefit Program/October 2009	500.00
10-0350	ABM Janitorial	001.6590.7234	Janitorial Service/October 2009	709.80
			Janitorial Supplies	185.01
10-0351	Sonitrol	001.6590.7234	City Hall/Alarm System Maintenance/October 2009	51.41
10-0352	Redflex	001.6600.7371	Redlight Photo Enforcement/October 2009	27,350.00
10-0353	Commpro	001.6100.7391	Website Hosting Services/October 2009	295.00
10-0354	Orkin	001.6590.7234	City Hall/Building Maintenance/October 2009	76.64
10-0355	RS Elevator	001.6590.7234	City Hall/Elevator Maintenance/October 2009	158.16
10-0356	TruGreen Landscape	100.6700.7341	Landscape Maintenance/October 2009	8,962.00
10-0357	Leslie Keane	001.6100.7204	Automobile Allowance/November 2009	450.00
10-0358	Douglas Reilly	001.6100.8110	Employee Benefit Program/November 2009	51.00
		001.6590.7232	Cell Phone Reimbursement/November 2009	79.50
10-0359	Sandra Verrall	001.6590.7232	Cell Phone Reimbursement/November 2009	25.00
10-0360	Ernestine Jones	001.6100.8110	Employee Benefit Program/October 2009	216.34
10-0361	CitiStreet/CalPers 457 Plan	001.6400.8110	Employee Benefit Program/October 2009	300.00

10-0362	Vantage Point/ICMA 457 Plan	001.0000.2601	Employee Contributions/October 2009	800.00
		001.6100.8110	Employee Benefit Program/October 2009	1,070.80
		001.6400.8110	Employee Benefit Program/October 2009	500.00
10-0363	AFLAC	001.6100.8110	Employee Benefit Program/November 2009	278.70
		001.6400.8110		116.50
10-0364		001.6100.7303	Program Fees/November 2009	25.00
10-0365	Managed Health Network	001.6100.8110	Employee Benefit Program/November 2009	17.29
		001.6400.8110		4.94
10-0366	Delta Dental	001.6100.8110	Employee Benefit Program/November 2009	493.79
		001.6400.8110		42.84
10-0367	Principal Financial Group	001.6100.8110	Employee Benefit Program/November 2009	356.23
		001.6400.8110		94.06
10-0368	Vision Service Plan	001.6400.8110	Employee Benefit Program/November 2009	20.30
10-0369	Cynthia Conners	001.6000.8102	October Compensation	300.00
10-0370	Bert Hack	001.6000.8102	October Compensation	300.00
10-0371	Martin Rhodes	001.6000.8102	October Compensation	300.00
10-0372	Robert Ring	001.6000.8102	October Compensation	300.00
10-0373	Milt Robbins	001.6100.8101	Payroll Ending 09/11/09 Full-time Staff	21,764.85
10-0374	ADP	001.6100.8102	Payroll Ending 09/11/09 Part-time Staff	1,032.38
		001.0000.2601	Deferred Comp/Payroll Ending 09/11/09	-400.00
		001.0000.2180	FSA Payable/Payroll Ending 09/11/09	-110.00
		001.6400.8101	Payroll Ending 09/11/09 Full-time Staff	4,576.80
		001.6100.8111	Payroll Taxes- Employer	1,403.43
		001.6400.8111	Payroll Taxes- Employer	350.13
		001.6100.2601	Deferred Comp/Payroll Ending 09/11/09	-1,219.80
		190.6500.8101	Payroll Ending 09/11/09 Full-time Staff	487.50
		190.6500.8102	Payroll Ending 09/11/09 Part-time Staff	540.00
		190.6500.8111	Payroll Taxes- Employer	78.60
10-0375	ADP	001.6100.7303	Payroll Processing	109.62
10-0376	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 09/11/09	3,889.30
		001.6400.8112		798.06
10-0377	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 09/11/09	400.00
		001.0000.2601	Deferred Comp/Payroll Ending 09/11/09	1,219.80

10-0378	ADP	001.6100.8101	Payroll Ending 09/25/09 Full-time Staff	21,764.84
		001.6100.8102	Payroll Ending 09/25/09 Part-time Staff	1,056.38
		001.0000.2601	Deferred Comp/Payroll Ending 09/25/09	-400.00
		001.0000.2180	FSA Payable/Payroll Ending 09/25/09	-110.00
		001.6400.8101	Payroll Ending 09/25/09 Full-time Staff	4,603.00
		001.6100.8111	Payroll Taxes- Employer	1,388.72
		001.6400.8111	Payroll Taxes- Employer	352.12
		001.6100.2601	Deferred Comp/Payroll Ending 09/25/09	-1,219.80
		190.6500.8101	Payroll Ending 09/25/09 Full-time Staff	540.00
		190.6500.8102	Payroll Ending 09/25/09 Part-time Staff	536.25
		190.6500.8111	Payroll Taxes- Employer	82.33
10-0379	ADP	001.6100.7303	Payroll Processing	109.62
10-0380	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 09/25/09	3,889.29
		001.6400.8112		802.63
10-0381	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 09/25/09	400.00
		001.0000.2601	Deferred Comp/Payroll Ending 09/25/09	1,219.80
	TOTAL			465,777.34

Void Check(s): 108049

August

Debit	Debit	Overnite Express	Delivery Services	80.96
Debit	Debit	Presenta Plaque	Presentation Plaques	119.36

September

Debit	Debit	Overnite Express	Delivery Services	91.67
Debit	Debit	Mobile Magic	Employee Benefit Program/Reilly	38.06
Debit	Debit	Home Depot	CBDG Program/Equipment	217.47
Debit	Debit	Annual Fee	Annual Credit Card Fee	50.00

**CITY OF LAGUNA WOODS**  
**WARRANT REGISTER - FY 2009**  
 October 21, 2009

CK #	WR #	Vendor	Account	Item/Purpose	Amount
107988	09-1699	Hogle-Ireland	010.6400.7321	Deposit Based/Inspection Services/June 2009	112.50
			001.6400.7321	Building & Safety Inspection/June 2009	7,600.00
			001.6400.7311	Current Planning Services/June 2009	8,400.00
			001.6400.7322	Structural Plan Check/June 2009	1,312.50
107994	09-1700	Marina Landscaping	275.6590.7600	Ridge Route Dog Park/June 2009	2,774.50
			275.0000.2501	Retainer	-227.45
107998	09-1701	Practical Data Solutions	001.6590.7250	Capital Equipment/Computer Battery Backup Installation	2,550.99
108018	09-1702	Blackboard Connect Inc	001.6600.7391	Emergency Contact Service/January-June 2009	18,810.00
		<b>TOTAL</b>			<b>41,333.04</b>

Void Check(s):

**6.5**  
**ORDINANCE ZONE CHANGE -**  
**23252 VIA CAMPO VERDE**

**ORDINANCE NO. 09-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A ZONE CHANGE OF A 1.23-ACRE PARCEL ZONED “PROFESSIONAL AND ADMINISTRATIVE OFFICE (PA)” TO “COMMUNITY COMMERCIAL (CC)” LOCATED AT 23252 VIA CAMPO VERDE (APN 621-131-26)

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

**SECTION 1.**      Amendment of Land Use Map

The City Council hereby adopts the Zoning Code Amendment ZC 09-01 dated September 16, 2009 included herein by reference as Exhibit 1, amending the Zoning Map of the Laguna Woods Land Use and Development Code by approving a Zone Change of a 1.23-acre parcel zoned “Professional and Administrative Office (PA)” to “Community Commercial (CC)”.

**SECTION 2.**      Effective Date

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

**SECTION 3.**      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 4.**      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 this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY \_\_\_\_\_, 2009.

\_\_\_\_\_  
ROBERT B. RING, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
STEPHEN A. MCEWEN, City Attorney

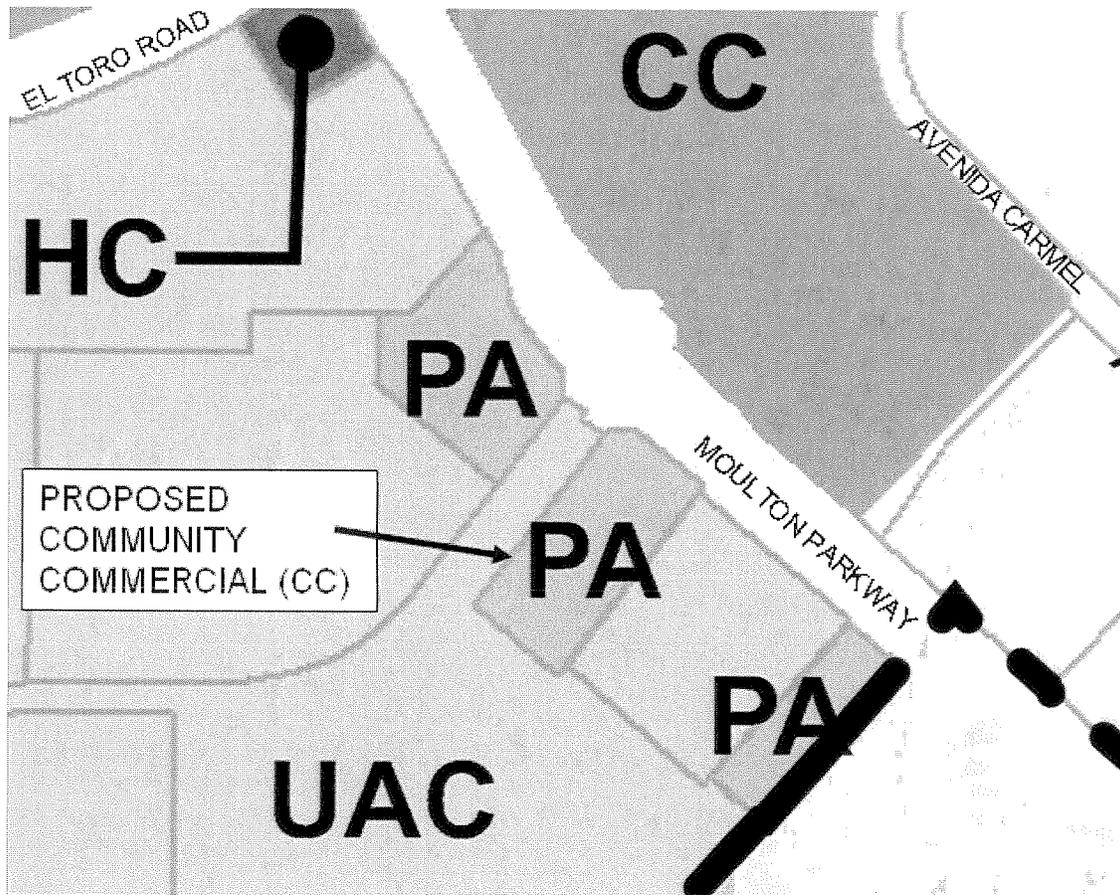
STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) ss.  
CITY OF LAGUNA WOODS )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, California, do HEREBY CERTIFY that the foregoing Ordinance No. 09-XX was duly introduced at a regular meeting of the City Council on the 16<sup>th</sup> day of September, 2009, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2009, by the following vote, to wit:

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

\_\_\_\_\_  
YOLIE TRIPPY, City Clerk

# EXHIBIT 1 ZONING MAP



**6.6**  
**SUPPLEMENTAL LAW ENFORCEMENT**  
**SERVICES FUNDS**  
**(NO REPORT)**

**7.1**  
**SAN SEBASTIAN SIGN VARIANCE -**  
**24299 PASEO DE VALENCIA (ZV-586)**

City of Laguna Woods  
Agenda Report

DATE: October 21, 2009 City Council Meeting  
TO: Honorable Mayor and City Councilmembers  
FROM: Leslie A. Keane, City Manager   
AGENDA ITEM: San Sebastian Sign Variance, 24299 Paseo de Valencia  
(ZV-586)

---

**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. Approve a resolution, granting a variance for signage at the San Sebastian condominium complex, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LAGUNA WOODS, CALIFORNIA,  
APPROVING A VARIANCE (ZV-586) TO EXCEED  
THE PERMITTED TEMPORARY BANNER SIZE  
LOCATED AT 24299 PASEO DE VALENCIA

**Background**

The applicant is requesting approval of a Variance to allow for the installation of temporary signage in excess of that permitted by the City of Laguna Woods Municipal Code. Current regulations permit a maximum of 100 square feet of temporary signage. The applicant is proposing to install two banners totaling 175 square feet.

**Discussion**

The property is located at 24299 Paseo de Valencia, approximately 150 feet west of the intersection of Paseo de Valencia and Calle de la Plata. There is currently one 100 square foot temporary banner located on the north elevation of the building consistent with current regulations. The applicant is requesting an additional 75 square foot banner on the east elevation. Both signs will advertise the sale of condominiums.

The applicant is requesting a Variance from current regulations due to the location of the project and visibility of the building. The site is located approximately 150 feet from the intersection of Paseo de Valencia and Calle de la Plata. This distance from the intersection and existing buildings adjacent to Paseo de Valencia obstruct visibility from Paseo de Valencia.

A variance is a limited waiver of development standards allowed by the zoning ordinance. It may be granted, after a public hearing, in special cases where: (1) strict application of the zoning regulations would deprive property of the uses enjoyed by nearby lands in the same zone; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege.

A variance does not permit a use that is not otherwise allowed in that zone (for example, a commercial use may not be approved in a residential zone by variance). Economic hardship alone is not sufficient justification for approval of a variance.

Typically, variances are considered when the physical characteristics of the property make it difficult to use. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed.

As a part of its submittal, the application also requested that its temporary banners be permanently displayed until all units in the project are sold. This request cannot be handled through the Variance process because there are no factors unique to this property and location that would relate to an extension of time. Other businesses and residential facilities in the community have economic issues that would be similar.

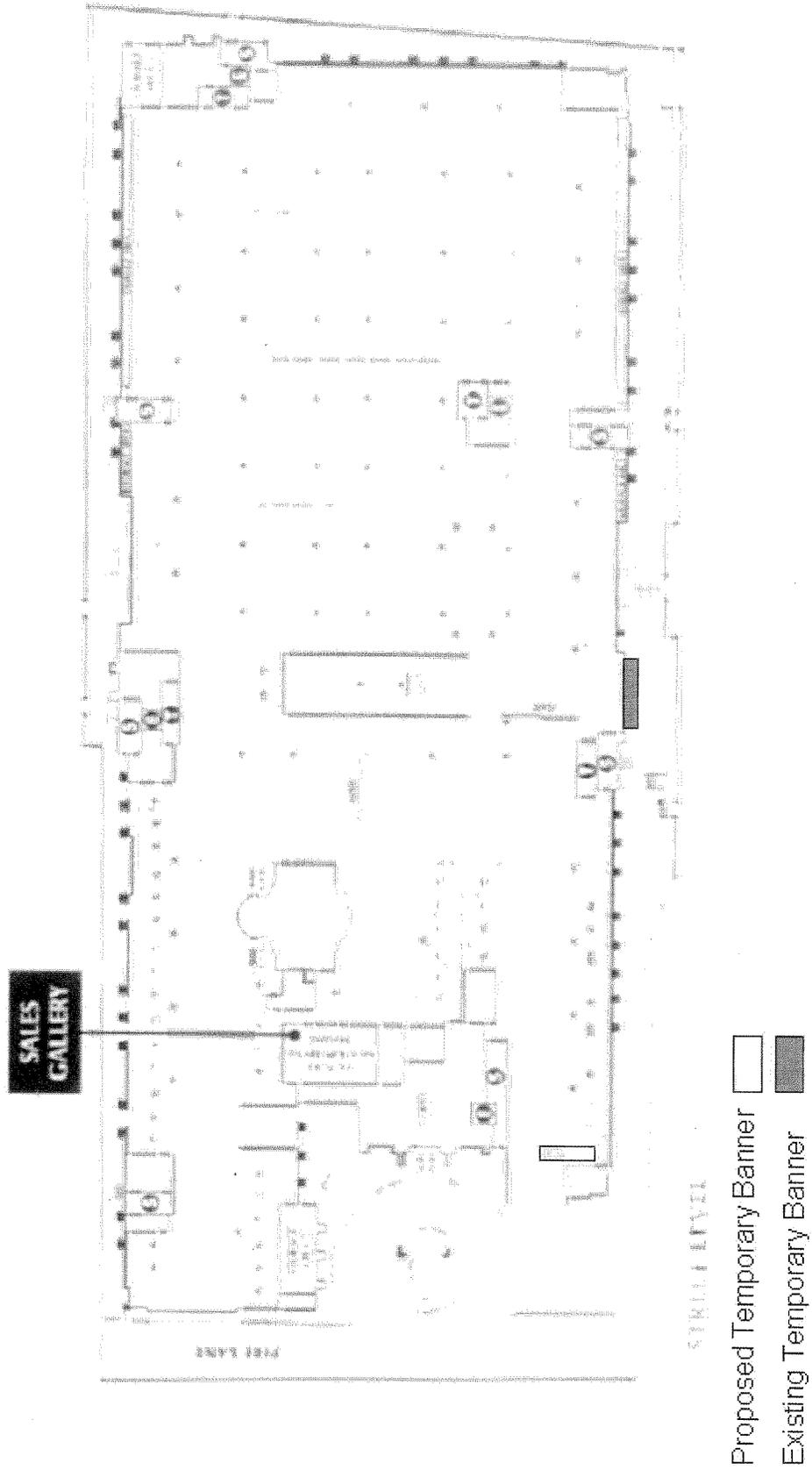
Current regulations allow temporary banners to be displayed in not more than 30 day increments for a total of 120 days per any twelve month period. Multiple banners are treated as a single application for the time period, specifically so that banners will not be displayed on any building for more than 30 consecutive days. If the City Council wishes to modify this requirement, staff will prepare the necessary ordinance to modify the Municipal Code and bring it back in November for first reading.

**Conclusion:**

Approval of the proposed Variance would establish a total of 175 square feet of sign area on the building which would be allowed on two frontages – neither sign would be able to exceed 100 square feet. The Variance would also not modify any other regulations associated with temporary banner signs.

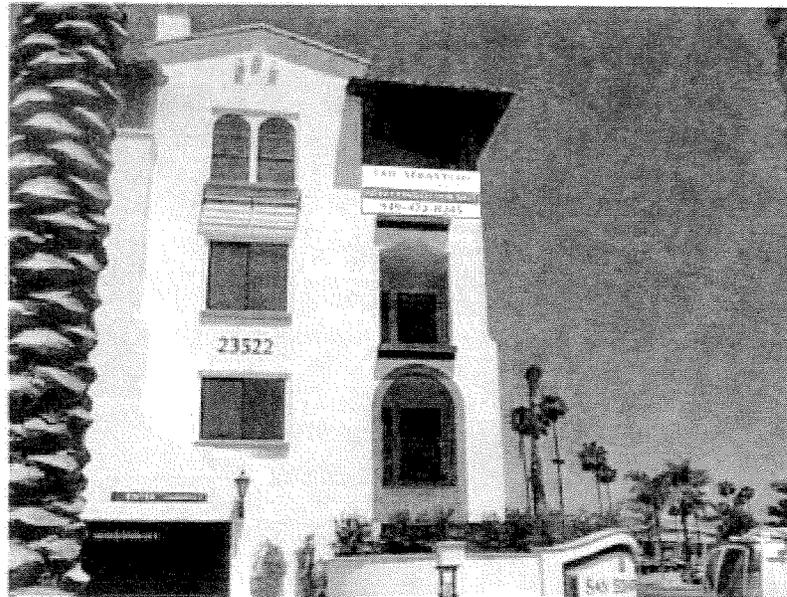
Attachments:        Site Plan  
                             Elevations  
                             Resolution

# SITE PLAN



# ELEVATIONS

## PROPOSED 50 SQUARE FOOT TEMPORARY SIGN



NOT TO SCALE



S/F BANNER  
MOUNT ON BUILDING

# ELEVATIONS

## EXISTING 100 SQUARE FOOT TEMPORARY SIGN



PMS 314 BKGD.  
COPY WHITE  
PIN BLACK

BORDER PMS 7503  
B/G PMS 7500

LOGO  
WHITE, PMS 314, 7435, & 7500

COPY PMS 314 & 80% BLACK

S/F DIGITAL PRINT BANNER  
WALL MOUNT

**RESOLUTION NO. 09-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A VARIANCE (V-586) TO ALLOW 175 SQUARE FEET OF TEMPORARY BANNER SIGNAGE AT 24299 PASEO DE VALENCIA IN LIEU OF THE MAXIMUM 100 SQUARE FEET PERMITTED BY THE CITY ZONING CODE.

WHEREAS, the project applicant has requested a variance to exceed the permitted temporary banner size permitted by the City Zoning Code; and

WHEREAS, the application applies to the property located at 24299 Paseo de Valencia; and

WHEREAS, the application as contemplated, proposes to allow for 175 square feet of temporary banner signage in lieu of the maximum 100 square feet; and

WHEREAS, the proposed project is categorically exempt from the requirements for the preparation of environmental documents under Section 15301 of the California Environmental Quality Act; and

WHEREAS, a public hearing on October 21, 2009 to consider approval of the proposed variance was duly noticed; and

WHEREAS, the City Council at such public hearing received comments from all those in attendance wishing to speak; and

WHEREAS, the City Council has considered the information and public testimony presented at the public hearing and in the proposed documents and staff reports, all of which are included in the public record and incorporated herein by reference;

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

SECTION 1. Findings

The City Council makes the following findings subject to the conditions of approval:

1. The proposed use and project is consistent with the City of Laguna Woods General Plan High Density Residential designation; and
2. The use, activity or improvements proposed are consistent with the provisions of the City Zoning Code, specifically section 13.24.020 (c), variance permits; and
3. The approval of the variance application is categorically exempt from the preparation of environmental documents under section 15301 of the California Environmental Quality Act; and
4. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity; and
5. The approval of the variance application will not result in conditions or circumstances contrary to the public health, safety and the general welfare; and
6. The approval of the variance application is in compliance with all City- required public facilities regulations; and
7. The location of the building, the distance, obstructions located adjacent to Paseo de Valencia, and the visibility of the building from Paseo de Valencia creates special circumstances which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations, specifically the visibility of temporary banner signs; and

8. Approval of this variance will not constitute the grant of special privileges that are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations, as this property is unique when compared to other properties in the vicinity and visibility is specifically limited at this building,

SECTION 2. Variance No. 586 is approved based on the foregoing findings and subject to all the Conditions of Approval contained in Exhibit "A" and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED ON THE \_\_\_\_ DAY OF \_\_\_\_\_  
2009.

\_\_\_\_\_  
ROBERT B. RING, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

**EXHIBIT A****SPECIAL PLANNING CONDITIONS**

1. This variance is for the installation of two temporary banner signs. All applicable City standards and conditions shall be complied with unless specifically superseded by more restrictive project conditions referenced within.
2. A total of 175 square feet of temporary banner signage will be permitted with approval of this variance. Signage may not be placed in a manner that obstructs visibility of pedestrian or vehicular traffic or that poses a public safety or health hazard.
3. A maximum of 100 square feet of signage will be permitted on any one frontage. A maximum of two frontages will be permitted to have signage.
4. Temporary banners shall not be oriented in the direction of residential uses.
5. All temporary sign standards including content and location shall meet the requirements specified in section 13.20.050 of the City of Laguna Woods Zoning Code.

**PLANNING STANDARD CONDITIONS**

6. The applicant, or successor in interest, shall abide by and faithfully comply with any and all conditions of this permit. Failure to comply with the conditions of this permit constitutes grounds for revocation of said permit by the City of Laguna Woods City Council.
7. The applicant, or successor in interest, shall agree, as a condition of issuance of this permit, to at its sole expense, defend, indemnify, and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attach, set aside, void or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The applicant shall pay the City's defense costs and shall reimburse the City for court costs and attorney fees that the City may be required by a court to pay as a result of such defense. The applicant may at its sole discretion participate in the defense of any such action under this condition.

8. In the event a legal challenge to the discretionary approval is successful, and an award of attorney fees is made the challenger, the applicant shall be responsible to pay the full amount of such an award.
9. This variance is granted for the property as described in the application and shall not be transferable from one parcel to another.
10. Use by the applicant or successor in interest of any activity authorized by this approval shall constitute acceptance of all of the conditions and obligations imposed by the City on this variance. The Applicant by said acceptance waives any challenge as to the validity of these conditions.
11. The applicant and successor in interest shall be fully responsible for knowing and complying with all conditions of approval.
12. The applicant and applicant's successors in interest shall be responsible for payment of all charges related to the processing of this discretionary case application or enforcement of project conditions within 30 days of the issuance of the final invoice.

**7.2**  
**BUILDING FEE REDUCTIONS FOR**  
**ENVIRONMENTAL IMPROVEMENTS**

City of Laguna Woods  
Agenda Report

DATE: October 21, 2009 City Council Meeting  
TO: Honorable Mayor and City Councilmembers  
FROM: Leslie A. Keane, City Manager   
Agenda Item: Building Permit Fee Reductions for Environmental Improvements to Residential Units

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**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. Approve a resolution establishing a pilot program that would reduce building permit fees for certain environmental improvements to residential units, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A PILOT PROGRAM REDUCING FEES FOR CERTAIN ENVIRONMENTAL IMPROVEMENTS TO RESIDENTIAL UNITS

**Background**

City building permit fees are set by resolution of the City Council and are revised from time to time to reflect the City's current actual costs. Depending on the individual project, fees may include permit issuance, plan check, building

inspection and certain state fees. The City has established a minimum building permit fee of \$51. Overall, the City collects approximately 80% of its costs for building permit issuance/inspection.

### **Discussion**

In 2007, the City Council approved a resolution (No. 07-09) supporting the U. S. Mayors Climate Protection agreement, which includes a pledge to foster sustainable building practices and make energy efficiency a priority. In support of these goals, staff is recommending that the City lower certain building permit fees for a six month trial period. The following reduced fees are recommended:

**1. Replacement nail-in windows**

The current fee is based on valuation and rate tables and runs from \$51 for a single replacement to \$104.45 for five windows. The proposal is to establish a flat fee of \$39 for one to five nail-in window replacements. This fee would not apply to windows that require a new or enlarged wall cut.

**2. Hot water recirculation systems**

These systems only require a building permit if a new electric outlet is added. The building permit fee is currently \$51; the proposal is to reduce this fee to \$33.

**3. Photo-voltaic systems (solar panels)**

The fee for a typical residential system is based on valuation and rate tables and averages \$471.63. The proposal is to establish a flat fee of \$112 for array (roof panels) systems not exceeding 300 sq. ft., up to 5 kwts.

**4. Central heating, ventilating, and air conditioning (HVAC) systems**

The current fee is based on valuation and rate tables and averages \$197.20. The proposal is to establish two flat fees for systems that exceed current building code requirements - \$102 for systems with a 14-15 SEER (seasonal energy efficiency rating) rating, and \$51 for systems that have a SEER rating that exceeds 15. Fees for systems that meet minimum standards would not be reduced.

**5. Tankless water heaters**

The current fee is based on valuation and rate tables and may include a variety of components; fees are calculated depending on the particular

circumstances of the job. The proposal is to discount the regular calculated fee by 50%.

The purpose of the fee reduction is to encourage the installation of energy and water efficiency equipment.

**Advisory Committee Action**

The Land Use and Design Review Committee reviewed this proposal at their October 8, 2009 meeting and voted unanimously to recommend approval to the City Council.

**Fiscal Impact**

It is estimated that the loss of revenue will not exceed \$7,500, and that this can be accommodated within the existing budget. Staff would track actual costs and revenue and report back on the impact at the completion of the pilot program.

**Conclusion**

Adoption of a pilot program reducing the cost for certain environmental improvements will support the City energy and water reduction goals. Following the completion of the pilot program, staff would bring back the results and the City Council could consider modifying and/or extending the fee reduction program.

Attachment: Resolution

**RESOLUTION NO. 09-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A PILOT PROGRAM REDUCING FEES FOR CERTAIN ENVIRONMENTAL IMPROVEMENTS TO RESIDENTIAL UNITS

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 periodically reviews and modifies its fees based on the actual costs to provide service; and it may determine to charge the total cost or an amount which is less than the total cost for particular services based upon the needs of the community; and

WHEREAS, while the cost to provide building and safety services has not decreased since last revised, the City wishes to establish a pilot program that would lower certain building permit fees for environmental improvements to residential units.

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

SECTION 1. During the period from November 1, 2009 through April 30, 2010, the following fees are hereby established:

- A. Replacement nail-in windows: \$39 for one to five nail-in window replacements. This fee would not apply to windows that require a new or enlarged wall cut.
- B. Hot water recirculation systems: \$33 for recirculation units which require an additional electric outlet.

- C. Photo-voltaic systems (solar panels): \$112 for array (roof panels) systems not exceeding 300 sq. ft., up to 5 kwts.
- D. Central heating, ventilating, and air conditioning (HVAC) systems: \$102 for systems with a 14-15 SEER (seasonal energy efficiency rating) and \$51 for systems that have a SEER that exceeds 15.
- E. Tankless water heaters: this is a variable fee depending upon the type of unit and the particular circumstances of the installation. The actual fee will be reduced by 50%.

PASSED, APPROVED AND ADOPTED ON THE \_\_\_\_ DAY OF \_\_\_\_ 2009.

---

ROBERT B. RING, Mayor

ATTEST:

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YOLIE TRIPPY, Deputy City Clerk

**9.1**  
**INTEGRATED SOLID WASTE MANAGEMENT**  
**FRANCHISE**

## City of Laguna Woods Agenda Report

**FOR:** October 21, 2009 City Council Meeting

**TO:** Honorable Mayor and Councilmembers

**FROM:** Douglas C. Reilly, Assistant City Manager *DCR*

**Agenda Item:** Integrated Solid Waste Management Franchise

---

### **Recommendation:**

A. Authorize the City Manager to finalize a five-year extension of the integrated solid waste franchise agreement with Ware Disposal, Inc., from July 2010 to July 2015, for approval by the City Council, consistent with the issues noted in this report. (Staff and the Community Services Committee)

OR

B. Initiate a competitive Request for Proposal (RFP) process to solicit proposals for a new integrated solid waste management franchise to start in July 2010.

### **Background**

In May 2005, the City of Laguna Woods awarded a five-year integrated solid waste management franchise to Ware Disposal, Inc.. The agreement became effective in July 2005 and service to the community started with commercial areas on September 1, 2005 and with Laguna Woods Village on October 1, 2005. The term of the franchise agreement may be extended for an additional five years upon written consent of both parties. Ware Disposal has requested an extension of its franchise and has proposed several modifications that will potentially improve waste collection and recycling services.

### **Discussion**

In June 2009, the Community Services Committee adopted criteria to determine whether to recommend renewal or rebidding of the franchise to the City Council. The criteria included the extent to which the franchisee has met or exceeded franchise requirements, whether the City can realize the most competitive rates for services

through a franchise extension or a new competitive bid process, and whether new services or benefits can be offered most competitively through a franchise extension or new bid.

The franchise required that Ware Disposal provide 1) new alternatively fueled vehicles, 2) new or almost new bins, 3) new carts for areas with curbside service, 4) sorting of most of the City's waste stream (estimated at 85%) at a Materials Recovery Facility (MRF) owned by Ware to divert recyclables from the landfill at no additional cost, 5) free collection of green waste for the Laguna Woods Village community, 6) free collection of telephone books twice each year, 7) free collection of 1,200 bulky items per year, 8) free collection of newspaper and white paper from businesses in the City, 9) an ongoing customer education program to which explains the benefits of recycling and safe disposal, and the programs offered in the City to do so, 10) annual rate increases based on the consumer price index or a one-time rate increase based on wage rates it negotiates with its union, and 11) monthly and annual reports.

Ware Disposal has met or exceeded most of these criteria. New trucks are powered by liquefied natural gas; new or almost new bins were placed throughout the community; blue plastic crates were provided to curbside collection residents until the City obtained a grant to purchase blue carts; 75% of the City's waste stream (80% by volume) is processed at the Madison Materials MRF; 1,200 bulky items have been collected for free each year; nineteen customers have taken advantage of the free newspaper and white paper collection program; and a one-time increase in fees was approved in 2007.

The City enjoys the lowest prices in the County for all solid waste services provided by the franchisee. Ware Disposal's \$44.30 rate for once-weekly bin service and \$8.52 for curbside collection are less than franchise rates for all other cities in Orange County (Attachment A). Bin service rates in other cities range from a high of \$162.01 in San Clemente to \$44.70 in Rancho Santa Margarita. Curbside rates in other cities ranged from a high of \$26.10 in San Clemente to \$12.22 in Irvine. It is unlikely that a competitive bid process will result in lower rates for Laguna Woods.

In addition to the services required under the franchise, Ware Disposal has worked cooperatively with the City to implement recycling programs at little or no cost to residents or businesses. These include:

- Free collection of recyclables at 1,477 residences with curbside collection (with blue carts purchased through a state grant);

- Free collection of source-separated recyclables in the City as part of a pilot program, currently at 75 locations, with another 19 to be added this month if approved by the boards of United Mutual and Third Mutual; and
- Bulky item collection at City Hall twice annually in conjunction with the in-home bulky item collection program.

Diversion programs instituted by the City, including franchise services and collection of household hazardous waste and electronic waste, have resulted in 8,300 tons of additional solid waste per year diverted from the County landfill over the amount diverted at the beginning of the franchise.

Ware Disposal has proposed the following in a five-year franchise extension:

- Increase franchise rates only to compensate for the increase in tipping (landfill) fees as of July 1, 2010, which will equate to an estimated 11.4% increase in residential rates and an estimated 18.2% increase for roll-off containers (8 x 20 foot bins). The tipping fee is rising from \$22 to \$29.95 per ton. This is a pass through cost and Ware receives no margin or mark-up on the rate increase.
- Adjust franchise service rates one time during the franchise period, based on Ware's negotiated contract with its union, as was done in the initial franchise period. This proved significantly more beneficial to City residents and businesses than an annual CPI rate increase.
- Provide 100% MRF option to Laguna Woods Village and charge only additional cost over landfill rate for processing trash at a "dirty MRF". If the source-separation recycling program is adopted citywide, only the red trash bins would go to this "dirty MRF" at an estimated cost of \$30 per ton or an additional \$195,000 annually. This option would guarantee that no waste from Laguna Woods would go directly to the landfill.
- Change bulky item collection from 1,200 free pickups to unlimited pickups one day each month.
- Offer a guaranteed annual payment to Laguna Woods Village for collection and processing of newspaper over the course of the franchise period; recycled newspaper revenues have been declining as residents have switched to the internet for news. This offer would set community compensation at a minimum rate based on an average of the past few years for the entire franchise term.
- Continue to share recycled material revenues at the rate of approximately \$110,000 per year.

In addition, to improve service and safety, Ware Disposal is equipping all of its trucks with Geographic Positioning System (GPS) transponders and cameras with interior and multiple exterior views.

If authorized by the City Council, staff will finalize an agreement with Ware Disposal that includes these provisions in a new solid waste franchise agreement that will be brought to Council for approval.

### **Committee Action**

The Community Services Committee voted unanimously to recommend that the City Council extend the integrated solid waste franchise agreement with Ware Disposal for five years, to July 2015.

### **Fiscal Impact**

As part of a franchise extension, Ware Disposal will continue to share recycled material revenues at the rate of approximately \$110,000 per year. These revenues will support the City's household hazardous waste and electronic waste collection programs.

### **Conclusion**

The current integrated solid waste management franchise expires in July 2010. The City Council can extend the current franchise or initiate a competitive process to select a new franchisee. The Community Services Committee developed criteria to determine to extend the franchise or conduct a new competitive bid process, and staff evaluated the performance of the current franchisee, Ware Disposal. The Committee voted unanimously to recommend a five year extension of the franchise based upon Ware's meeting the requirements of the current franchise, providing service at rates that are the lowest in the county, willingness to support additional recycling efforts at no additional cost to customers, and offer to provide additional or adjust existing services to extend the franchise.

Approved by:



Leslie A. Keane

City Manager

Attachment:           A) Rates Chart

## Trash Collection Rates

### RESIDENTIAL TRASH SERVICE

#	CITY	Corporate Name	dba	Rate
1	SAN CLEMENTE	CR & R MRF	CR & R	26.10
2	LAGUNA NIGUEL	C R & R MRF	Solag Disposal	24.11
3	ALISO VIEJO	C R & R	C R & R	21.89
4	PLACENTIA	REPUBLIC WASTE OF S.C.	Placentia Disposal	20.61
5	<b>COSTA MESA</b>	<b>COSTA MESA SAN DISTRICT</b>	<b>Costa Mesa Disposal</b>	<b>19.95</b>
6	<b>VILLA PARK</b>	<b>REPUBLIC WASTE OF S.C.</b>	<b>Villa Park Disposal</b>	<b>19.70</b>
7	LA HABRA	Waste Mngt. of CA, SFS	Waste Mgmt	19.67
8	GARDEN GROVE	REPUBLIC WASTE OF S.C.	Garden Grove Disp.	19.66
9	ANAHEIM	REPUBLIC WASTE OF S.C.	Anaheim Disposal	18.62
10	<b>HUNTINGTON BEACH</b>	<b>RAINBOW DISPOSAL</b>	<b>Rainbow Disposal</b>	<b>18.62</b>
11	<b>STANTON</b>	<b>CR &amp; R</b>	<b>Stanton Disposal</b>	<b>17.86</b>
12	<b>FOUNTAIN VALLEY</b>	<b>RAINBOW DISPOSAL</b>	<b>Rainbow Disposal</b>	<b>17.83</b>
13	<b>FULLERTON</b>	<b>REPUBLIC WASTE OF S.C.</b>	<b>MG Disposal</b>	<b>17.80</b>
14	BREA	REPUBLIC WASTE OF S.C.	Brea Disposal	17.68
15	YORBA LINDA	REPUBLIC WASTE OF S.C.	Yorba Linda Disp.	17.30
16	SAN J. CAPISTRANO	C R & R	CR & R	16.97
17	<b>LA PALMA</b>	<b>EDCO Disposal Corp.</b>	<b>Park Disposal</b>	<b>16.55</b>
18	SANTA ANA	Waste Mngt. of CA, OC	Great Western	16.49
19	CYPRESS	Consolidated	Briggeman Disposal	16.23
20	<b>BUENA PARK</b>	<b>EDCO Disposal Corp.</b>	<b>Park Waste and Recycling</b>	<b>15.62</b>
21	SEAL BEACH	Consolidated	Briggeman Disposal	15.25
22	WESTMINSTER	MIDWAY SAN. DISTRICT	Midway San. Dist.	14.75
23	LOS ALAMITOS	Consolidated	Briggeman Disposal	14.59
24	DANA POINT	CR & R	C R & R	13.97
25	ORANGE	Waste Mngt. of CA, OC	Waste Mngt of OC	13.79
26	<b>TUSTIN</b>	<b>CR &amp; R</b>	<b>CR &amp; R</b>	<b>13.79</b>
27	MISSION VIEJO	Waste Mngt. of CA, OC	Waste Mngt of CA	13.47
28	LAGUNA HILLS	C R & R	Solag Disposal	13.10
29	LAKE FOREST	Waste Mngt. of CA, OC	Waste Mngt of CA	12.57
30	RANCHO S. MARGARITA	CR & R	CR & R	12.23
31	IRVINE	Waste Mgmt. of CA, OC	Waste Mgmt of OC	12.22
32	LAGUNA BEACH	Waste Mngt. of CA, OC	Waste Mgmt of OC	Per Parcel
33	LAGUNA WOODS	Ware Disposal	Ware Disposal	8.52

Blended Average Rate = \$	16.80
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Notes: Rates shown above are for curbside service. Bolded cities have service where residents use their own containers and all waste is processed at a material recovery facility (dirty MRF). The City of Newport Beach has no designated trash rate so it is not listed.

ITEM 9.1 - ATTACHMENT A

3 CUBIC YARD COMMERCIAL SERVICE ONE TIME PER WEEK

#	CITY	Corporate Name	dba	Rate
1	SAN CLEMENTE	CR & R MRF	CR & R	162.01
2	CYPRESS	Consolidated	Briggeman Disposal	151.44
3	FULLERTON	REPUBLIC WASTE OF S.C.	MG Disposal	149.89
4	FOUNTAIN VALLEY	RAINBOW DISPOSAL	Rainbow Disposal	147.19
5	HUNTINGTON BEACH	RAINBOW DISPOSAL	Rainbow Disposal	147.19
6	GARDEN GROVE	REPUBLIC WASTE OF S.C.	Garden Grove Disp.	140.35
7	STANTON	CR & R	Stanton Disposal	140.29
8	LAGUNA NIGUEL	C R & R MRF	Solag Disposal	139.25
9	ANAHEIM	REPUBLIC WASTE OF S.C.	Anaheim Disposal	138.22
10	VILLA PARK	REPUBLIC WASTE OF S.C.	Villa Park Disposal	136.00
11	SEAL BEACH	Consolidated	Briggeman Disposal	131.33
12	BUENA PARK	EDCO Disposal Corp.	Park Waste and Recycling	130.24
13	LAGUNA BEACH	Waste Mngt. of CA, OC	Waste Mgmt of OC	130.10
14	YORBA LINDA	REPUBLIC WASTE OF S.C.	Yorba Linda Disp.	125.43
15	LOS ALAMITOS	Consolidated	Briggeman Disposal	125.39
16	PLACENTIA	REPUBLIC WASTE OF S.C.	Placentia Disposal	124.84
17	BREA	REPUBLIC WASTE OF S.C.	Brea Disposal	121.33
18	LA PALMA	EDCO Disposal Corp.	Park Disposal	118.86
19	LA HABRA	Waste Mngt. of CA, SFS	Waste Mgmt	118.00
20	SAN J. CAPISTRANO	CR & R MRF	CR & R	112.79
21	DANA POINT	CR & R MRF	C R & R	110.62
22	SANTA ANA	Waste Mngt. of CA, OC	Great Western	109.19
23	LAGUNA HILLS	C R & R	Solag Disposal	101.85
24	TUSTIN	CR & R	CR & R	99.00
25	ORANGE	Waste Mngt. of CA, OC	Waste Mngt of OC	93.50
26	IRVINE	Waste Mngt. of CA, OC	Waste Mngt of OC	92.84
27	ALISO VIEJO	C R & R	C R & R	92.00
28	WESTMINSTER	RAINBOW DISPOSAL	Rainbow Disposal	84.36
29	MISSION VIEJO	Waste Mngt. of CA, OC	Waste Mngt of CA	62.71
30	LAKE FOREST	Waste Mngt. of CA, OC	Waste Mngt of CA	46.17
31	RANCHO S. MARGARITA	CR & R	CR & R	44.70
32	LAGUNA WOODS	WARE DISPOSAL	Ware Disposal	44.30
Blended Average Rate =		\$		114.73

Note: Costa Mesa and Newport Beach have no established commercial rates in their non-exclusive franchises.

**9.2**  
**PROPOSITION 1A PROPERTY TAX**  
**SECURITIZATION**  
**(REPORT TO BE DISTRIBUTED**  
**SEPARATELY)**

**9.3**  
**FISCAL YEAR 2008-09 REDFLEX PAYMENTS**

## City of Laguna Woods Agenda Report

**FOR:** October 21, 2009 City Council Meeting

**TO:** Honorable Mayor and Councilmembers

**FROM:** Douglas C. Reilly, Assistant City Manager 

**Agenda Item:** Fiscal Year 2008-09 Redflex Traffic Systems Payments

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### **Recommendation:**

Approve a budget adjustment for FY 09-10 that carries over \$31,807 in vehicle code fine revenues from FY 08-09, increases the current year budget for Contract-Red Light Photo Enforcement by the same amount, and authorizes the payment of \$31,807 to Redflex Traffic Systems, Inc. in accordance with terms of the City's contract with the firm.

### **Background**

The City Council approved a contract with Redflex Traffic Systems, Inc. in June 2005 for automated red light photo enforcement equipment and services. A section under Exhibit D of the contract related to Compensation and Pricing provides that "If City's costs exceed revenues received from redlight citation fines, Contractor shall lower its monthly fixed fee to ensure cost neutrality. If there is a discrepancy, Contractor shall issue a 'Cash Back Refund' to City in order to provide total cost neutrality for the term of the Agreement." The effect of this contract provision is to lower the cost of Redflex services to an amount equal to red light camera-related revenues collected. These fluctuate monthly but have declined overall below the \$27,350 monthly fee, which equals \$328,200 per year.

The City budgeted \$300,000 in revenues from vehicle code fines in FY 08-09, including \$12,000 in fines unrelated to the red light camera program, and \$288,000 for operating expenses under Contract-Red Light Photo enforcement based on actual prior year revenues and expenses. Actual revenues collected in FY 08-09 for red light camera violations equaled \$305,307. Payments to Redflex for services totaled \$273,500 for the ten-month period July 2008 to April 2009.

**Discussion**

In prior years, red light camera revenues and expenditures remained within budgeted amounts. In FY 08-09, staff was uncertain as to the final amount of red light camera revenues that would be reported by the Orange County Superior Courts. These reports generally arrive 30 days after the end of the month. City staff held payments for May and June until final revenue reports were received and the amount to be paid could be adjusted to actual red light camera revenues or the full service fee.

Last year, the Orange County Register questioned the legality of the cost neutrality provision of the City contract with Redflex, arguing that since the service fee can fluctuate, it is based on a percentage of the revenues collected, which is prohibited by state law. Staff, with the concurrence of the City Attorney, believes that this claim is erroneous since the service fee can only be reduced and cannot rise above the monthly service fee set in the contract. The Traffic Commissioner that hears Laguna Woods' cases concurs and has not accepted this argument in his court to dismiss citations.

**Fiscal Impact**

Approval of the recommended action will increase the FY 09-10 General Fund revenue budget (account #001-0000-4601) by \$31,807 and the expenditure budget (account #001-6600-7371) by the same amount, so there will no net change in the projected FY 09-10 ending balance. The General Fund balance for FY 08-09 will not change since actual revenues and expenditures were used to calculate ending fiscal year balances and it was anticipated that payments would be made in accordance with the City's contract with Redflex.

**Conclusion**

The City's contract with Redflex Traffic Systems calls for revenue neutrality in the event that revenues from red light photo enforced citations are less than the monthly fee charged for service and equipment. Approval of the recommended action will modify the current year budget to pay the balance of fees owed for FY 08-09. There will be no impact on the projected FY 09-10 General Fund balance.

Approved by:



Leslie A. Keane  
City Manager