

AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting
December 7, 2011
2:00 P.M.**

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

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

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

COUNCILMEMBERS: Rhodes Ring Robbins
 Connors, Mayor Pro Tem Hack, Mayor

IV. PRESENTATIONS

4.1 Orange County Grand Jury Member Recruitment – Helen Alberts

V. CITY COMMENDATIONS AND PROCLAMATIONS

None

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 November 16, 2011 regular meeting.

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

RECOMMENDED ACTION: Waive reading of ordinances and resolutions.

6.3 Warrant Register

RECOMMENDED ACTION: Approve the December 7, 2011 Warrant Register in the amount of \$298,916.73.

6.4 Special Events and Temporary Use Regulations

RECOMMENDED ACTION: Adopt an ordinance modifying special event and temporary ordinance regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTERS 13.06 AND 13.26
OF THE LAGUNA WOODS MUNICIPAL CODE
PERTAINING TO TEMPORARY USES AND SPECIAL

EVENTS AND ADDING CHAPTER 7.20 TO THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SPECIAL EVENTS

6.5 Emergency Management

RECOMMENDED ACTION: Adopt an ordinance modifying Disaster Council membership and emergency management powers, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 7.04 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO EMERGENCY MANAGEMENT

6.6 Moulton Parkway and Ridge Route Landscape

RECOMMENDED ACTION: Award a contract to STL Landscape, Inc. on the amount of \$221,376, plus authorized change order not to exceed 15% of the base amount; and authorize the City Manager to execute the contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

6.7 Energy Efficient Traffic Safety Street Lights

RECOMMENDED ACTION: Award a contract to Traffic Development Services in the amount of \$25,836, plus authorized change orders not to exceed 10% of the base amount; and authorize the City Manager to execute the contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

6.8 City Centre Park

RECOMMENDED ACTION:

- A. Accept project completion of a contract with Atom, Inc. for the City Centre Park.
- B. Release contract retention in the amount of \$33,995.83 withheld 35 days following recordation of Notice of Completion with the County

of Orange, per the California Government Code.

- C. Exonerate project posted bonds 35 days following the recordation of Notice of Completion with the County of Orange.

6.9 Development Impact Fees Annual Report

RECOMMENDED ACTION: Receive and file.

6.10 Investment Policy

RECOMMENDED ACTION: Approve a resolution ratifying the City's 2011 Investment Policy, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACKNOWLEDGING THE REVIEW, RECEIPT AND FILING OF THE ANNUAL STATEMENT OF INVESTMENT POLICY

6.11 Orange County Transportation Authority Cooperative Agreement

RECOMMENDED ACTION: Approve Cooperative Agreement No. C-1-2628 between the Orange County Transportation Authority and City of Laguna Woods to allow use of federal transportation enhancement project funds for the El Toro Road/Aliso Creek Road Phase II Project; and authorize the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.12 Measure M2 Expenditure Report

RECOMMENDED ACTION: Approve a resolution adopting the City of Laguna Woods Measure M2 Expenditure Report, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LAGUNA WOODS

VII. PUBLIC HEARINGS

None

VIII. CITY COUNCIL

8.1 Fuel Storage at San Onofre Nuclear Generating Station

RECOMMENDED ACTION: Discuss and consider authorizing the Mayor to send a letter to appropriate elected and appointed officials.

IX. CITY MANAGER

9.1 Red Light Photo Enforcement Program

RECOMMENDED ACTION: Approve a third amendment to the agreement between the City of Laguna Woods and Redflex Traffic Systems, Inc. for automated red light photo enforcement systems; and authorize the City Manager to execute the amendment, subject to approval as to form by the City Attorney.

9.2 Fire Hazard Severity Zones

RECOMMENDED ACTION: Approve introduction and first reading of an ordinance establishing fire hazard severity zones in the City, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA ADDING CHAPTER 10.13, FIRE HAZARD
SEVERITY ZONES, TO THE LAGUNA WOODS
MUNICIPAL CODE

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Mayor Hack)

10.2 Orange County Library Board (Councilmember Robbins)

10.3 Orange County Fire Authority (Councilmember Rhodes)

- 10.4 Southern California Water Committee (Mayor Hack)
- 10.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
- 10.7 Vector Control District Board (Councilmember Robbins)

XI. PUBLIC COMMENTS

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

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

- A. League of California Cities, Orange County Division Quarterly Meeting, November 30, 2011 (Hack, Rhodes, Ring)

12.2 Other Meetings (LAFCO, SCAG, Waste Management Commission), Comments and Announcements

XIII. CITY COUNCIL REORGANIZATION

13.1 City Council Reorganization – Office of Mayor

RECOMMENDED ACTION:

- A. Comments from outgoing Mayor Hack
- B. The Council, acting on nominations from its members, will appoint a Mayor to serve for the period December 2011 to December 2012
- C. Comments from newly appointed Mayor

13.2 City Council Reorganization – Office of Mayor Pro Tem

RECOMMENDED ACTION: The Council, acting on nominations from its members, will appoint a Mayor Pro Tem to serve for the period December 2011 to December 2012.

XIV. CLOSED SESSION

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

XV. ADJOURNMENT

The meeting will be adjourned to a meeting of the City Council at 2:00 p.m. on Wednesday, January 18, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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

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

6.1-6.12
CONSENT CALENDAR SUMMARY

City of Laguna Woods Agenda Report

FOR: December 7, 2011 City Council Meeting

TO: Honorable Mayor and Councilmembers

FROM: Leslie A. Keane, City Manager

Agenda Item: Consent Calendar

Recommendation:

Approve all proposed actions on the December 7, 2011 Consent Calendar by single motion and Council action.

Discussion:

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

The December 7th Consent Calendar contains the following twelve items:

- 6.1 Approval of the minutes from the November 16, 2011 regular City Council meetings, as submitted.

ITEMS 6.1 – 6.12

- 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 the December 7, 2011 Warrant Register, as submitted, in the amount of \$298,916.73. A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Finance Manager's office.
- 6.4 Adoption of an ordinance modifying special event and temporary use permit regulations. The ordinance would separate the two types of permits and establish requirements unique to each. The City Council introduced and approved first reading of this ordinance at its November 16, 2011 meeting. If adopted, the new regulations would become effective February 6, 2011.
- 6.5 Adoption of an ordinance modifying emergency management regulations and establishing the City Council as the City's Disaster Council. The ordinance also clarifies the responsibilities of the city manager during a disaster. The City Council introduced and approved first reading of this ordinance at its November 16, 2011 meeting. If adopted, the new regulations would become effective February 6, 2011.
- 6.6 Authorization for the City Manager to execute an agreement with STL Landscape, Inc. and approve change orders up to 15% of the base bid, for the Moulton Smart Street Phase I and Ridge Route Landscape Project. The Moulton project will install trees, shrubs, ground cover and irrigation in the Moulton Parkway median, and trees and irrigation at the rear of the sidewalk in front of the Equestrian Center arena, both south of El Toro Road. This project also includes installation of trees, shrubs, ground cover and irrigation in the El Toro median east of Moulton Parkway and behind the sidewalk fronting Laguna Woods Self Storage north of El Toro Road. The Ridge Route project will install shrubs, ground cover and irrigation to complete improvements for the Ridge Route Linear Park. Work on these projects is scheduled to begin in January 2012, although this may be delayed due to rain, and be completed by April.

Bids from five contractors were received at City Hall on November 28, 2011 as follows:

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STL Landscape, Inc.	\$221,376.00
Kasa Contractors, Inc.	\$235,905.50
Marina Landscape, Inc.	\$271,848.10
America West, Inc.	\$287,472.79
Green Giant, Inc.	\$363,562.00

The bids from all companies were reviewed and no unbalanced bids or evidence of collusion was discovered. STL Landscape is owned by a former project manager of Belaire-West Landscape, which performed three landscape projects for the City including the improvements at Woods End, STL has worked for a number of Orange County public agencies over the past few years and received high marks for its work.

- 6.7 Authorization for the City Manager to execute an agreement with Traffic Development Services and approve changes orders up to 10% of the base bid, for the installation of energy efficient induction traffic safety street lights at 13 traffic intersections in the City of Laguna Woods. The work is funded by a state grant and must be completed by February 2012.

Bids from four contractors were received at City Hall on November 23, 2011 as follows:

Traffic Development Services	\$25,836.00
Republic ITS	\$26,500.00
CT&F	\$28,816.80
Gamma Builders, Inc.	\$42,299.00

The bid from Traffic Development Service was reviewed and there were no unbalanced bids or evidence of collusion. Traffic Development Services has installed traffic signals and traffic safety street lights for the California Department of Transportation and the cities of Rialto and Santa Monica. The firm has received positive comments on the projects they have completed.

- 6.8 Acceptance of the completion of a contract with Atom, Inc. for the City Centre Park Project. This project has been successfully completed and Council action will allow staff to file the notice of completion and release project retention funds in accordance with the California Government Code.

ITEMS 6.1 – 6.12

- 6.9 Pursuant to California Government Code 66006, the City must provide an annual fiscal year accounting of its development impact fees. Currently, the City collects only park in-lieu fees and has received only one deposit into that Fund (June 2006 for the San Sebastian condominium project). All park in-lieu fees were budgeted as of July 1, 2010. As of the end of the reporting period (June 30, 2011), \$163,988 of park development impact fees had been expended on City Centre Park, \$10,289 on Ridge Route Linear Park and \$3,626 on Woods End Nature Preserve. The balance of the money in this Fund - \$61,461 – was included in the Fiscal Year 2010-11 capital improvement program (CIP) budget for the above three projects, which are expected by completed in the current fiscal year.
- 6.10 Approval of a resolution that acknowledges Council's annual review of the City investment policy. The only proposed change to the current policy is designation of the City Treasurer position in lieu of Finance Manager as an authorized individual. All surplus funds continue to be invested with the Local Agency Investment Fund (LAIF). To assure that there is adequate and on-going oversight and review, California Government Code Sections 5921 and 53600 et. seq. requires city councils to review their investment policies each year even if no changes are contemplated. Staff is currently considering other options for investments and expects to bring back a revision of the investment policy in 2012.
- 6.11 Approval and authorization for the Mayor to execute Cooperative Agreement No. C-1-2628 between the Orange County Transportation Authority (OCTA) and the City of Laguna Woods. This agreement will allow the City to use \$500,000 in federal transportation enhancement project funds for the El Toro Road/Aliso Creek Road Phase II Project. The project will widen El Toro Road westbound to provide for a third through lane, bicycle lane and sidewalk from Aliso Creek Road west to Canyon Hills Drive in Laguna Beach, where El Toro Road has already been widened. The remainder of the project is included in the City's current capital improvement program budget, and the City of Laguna Beach is cooperating in the construction of the project.
- 6.12 Approval of a resolution adopting the City's Fiscal year 2010-11 Measure M2 Expenditure Report. This report is required by Local Transportation Authority Ordinance No. 3 (adopted by Orange County voters in November 2006), which requires that local jurisdictions account annually for net revenues, developer/traffic impact fees, and funds expended by the local

ITEMS 6.1 – 6.12

jurisdiction to meet Measure M2 maintenance of effort requirements. The report must be submitted within six month after the end of the jurisdiction's fiscal year (June 30), which is December 31.

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 December 7, 2011 Consent Calendar.

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

6.1
MINUTES

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
November 16, 2011
2:00 P.M.**

I. CALL TO ORDER

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

II. FLAG SALUTE

Councilmember Ring led the flag salute.

III. ROLL CALL

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

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Public Safety
 Director Macon; Community Services Manager Foley; Deputy City
 Clerk Trippy; City Attorney Cosgrove

IV. PRESENTATIONS – None

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

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

6.1 City Council Minutes

Approved the minutes from the October 19, 2011 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 October 2011 monthly and Fiscal Year 2011-12 first quarter (July-September) Treasurer's Reports.

6.4 Warrant Register

Approved the November 16, 2011 Warrant Register in the amount of \$1,307,037.93.

6.5 Employee Compensation

Approved **Resolution No. 11-22** re-adding the part-time maintenance technician to the City's compensation schedule, entitled:

A RESOLUTION OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, MODIFYING RESOLUTION NO. 11-12, AND RE-
ESTABLISHING COMPENSATION FOR THE PART-TIME
POSITION OF GENERAL MAINTENANCE TECHNICIAN

6.6 Notice of Completion – Santa Maria Multi-Modal Trail Project

- A. Accepted project completion of a contract with GASS Construction Co. for the Santa Maria Multi-Modal Trail Project.
- B. Release contract retention in the amount of \$30,800.76 withheld per government code 35 days following recordation of Notice of Completion with the County of Orange.
- C. Exonerate project posted bonds 35 days following recordation of Notice of Completion with the County of Orange.

6.7 Notice of Completion – Santa Maria Pavement Rehabilitation Project

- A. Accepted project completion of a contract with All American Asphalt for the Santa Maria Pavement Rehabilitation Project.
- B. Release contract retention in the amount of \$60,794.70 withheld per government code 35 days following recordation of Notice of Completion with the County of Orange.
- C. Exonerate project posted bonds 35 days following recordation of Notice of Completion with the County of Orange.

VII. PUBLIC HEARING

7.1 Temporary Uses and Special Events Regulations

City Manager Keane summarized the agenda report and stated that the proposed ordinance would modify existing regulations for special events and temporary use permits. Modifications would include a new municipal code section for special events permits; requirements for applications, approval and denial of applications, indemnification and insurance, signage and increase permit timeframes for both special event and temporary uses.

Mayor Pro Tem Conners asked if it was unanimously approved by the Committee.

City Manager Keane clarified that the Land Use and Design Review Committee unanimously approved the proposed regulations prior to the final draft, however, there were no significant changes made. The Committee was concerned whether or not a special events permit should be required for any tournaments held at the golf course and the Committee recommended that it should. The City could not find a legal basis to enforce the issue; however, if an event is expected to exceed the allowable parking requirements, a special event permit and a parking plan would be required.

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

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously approved introduce and first reading of an ordinance modifying regulations for temporary uses and special events, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTERS 13.06
AND 13.26 OF THE LAGUNA WOODS MUNICIPAL CODE
PERTAINING T TEMPORARY USES AND SPECIAL EVENTS AND
ADDING CHAPTER 7.20 TO THE LAGUNA WOODS MUNICIPAL
CODE PERTAINING TO SPECIAL EVENTS

VIII. CITY COUNCIL

8.1 Advisory Committee Appointments

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to ratify nominations for City Council advisory committees, as follows:

Land Use and Design Review Committee
Phil Doran, nominated by Mayor Hack

Public Safety Committee
Ruth May, nominated by Councilmember Robbins

8.2 Appointments to Regional Boards and Committees

City Manager Keane explained that the City recently became aware of an advice letter from the Fair Political Practices Commission (FPPC) that reinterprets a section of the conflict of interest code. Councilmembers who are appointed by the City Council to serve on committees or boards for which they receive more than \$250 a year in compensation cannot participate in the nomination or voting process.

City Attorney Cosgrove explained that his firm has submitted a request to FPPC for a formal interpretation of the regulations. In the interim and to avoid any problems, he suggested that Council reappoint members of committees and boards for which they

receive compensation, and that the individual being appointed leave the Council Chambers prior to each re-appointment.

City Manager Keane noted that there are only city appointments to three agencies that are affected – Orange County Fire Authority, San Joaquin Corridor Authority and Orange County Vector Control District. Councilmember appointments to committees by the City Selection Committee or the Orange County Council of Governments would need to be reviewed by those agencies, not the City.

Mayor Pro Tem Conners asked for clarification that FPPC's letter prohibits a Councilmember from nominating or voting for their own appointment.

City Manager Keane affirmed that is true. She noted that Mayor Pro Tem Conners would chair the meeting, when Mayor Hack steps out prior to his reappointment to the San Joaquin Corridor Authority Board of Directors.

Moved by Councilmember Ring, seconded by Councilmember Conners, and carried unanimously to appoint Councilmember Rhodes to the Orange County Fire Authority Board of Directors (Hack, Conners, Robbins, Ring).

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to appoint Mayor Hack to the San Joaquin Corridor Authority Board of Directors (Conners, Robbins, Ring).

Moved by Mayor Pro Tem Conners, seconded by Councilmember Ring, and carried unanimously to appoint Councilmember Robbins to the Orange County Vector Control District Board of Directors (Hack, Conners, Ring).

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to appoint Mayor Pro Tem Conners as the City's alternate member to the Orange County Fire Authority and the San Joaquin Transportation Corridor Authority Boards of Directors (Hack, Ring, Robbins).

City Attorney Cosgrove noted for the record that each councilmember recused him or herself from voting by leaving the Council Chambers.

IX. CITY MANAGER

9.1 2012 Community Services Grants

City Manager Keane introduced Community Services Manager Foley who summarized the agenda report.

Following the staff report, City Manager Keane noted that Councilmember Ring has an apparent conflict of interest with one of the staff recommendations (Saddleback Memorial Foundation). City Attorney Cosgrove suggested that this matter be taken up separately and that Councilmember Ring leave the Council Chambers during this discussion.

Councilmember Ring left the Council Chambers and City Attorney Cosgrove noted that Councilmember Ring is leaving the Council Chambers because he is a Board member of the Saddleback Memorial Foundation, which is being considered for a grant award.

Mayor Hack asked for clarification that Saddleback Memorial Foundation's request for funds would be to purchase medical equipment for residents of Laguna Woods.

Community Services Manager Foley affirmed that it is.

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

Award a community services grant to Saddleback Memorial Foundation in the amount of \$7,500.

Councilmember Ring re-entered the Council Chambers.

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

Award a total of \$47,500 in competitive community services grants to five (5) grantees: The Braille Institute (\$15,000), South County Outreach (\$15,000), Trauma Intervention Program (\$3,500), Dayle McIntosh Center (\$4,000), and the Foundation of Laguna Woods Village (\$10,000).

Award a total of \$75,000 in community services grants to Age Well Senior Services, to be used for:

- Adult Day Care Services (\$22,500)
- Transportation Services (\$22,500)
- General operations at Florence Sylvester Memorial Senior Center (\$30,000)

9.2 Emergency Management

City Manager Keane introduced Public Safety Director Macon who summarized the agenda report.

City Manager Keane noted that the City had been unsuccessful in getting a quorum of committee members in the past and that there is a Brown Act concern that prevents the committee from meeting without a quorum. The recommendation is for the City Council to serve as the Disaster Council, advised by its Public Safety Committee. In addition, the proposed ordinance clarifies the powers of the City Manager during a disaster.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Ring, and carried unanimously to approve introduction and first reading of an ordinance modifying the Disaster Council membership and emergency management powers, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,

CALIFORNIA, AMENDING CHAPTER 7.04 OF THE LAGUNA
WOODS MUNICIPAL CODE PERTAINING TO EMERGENCY
MANAGEMENT

X. COMMITTEE REPORTS

- 10.1 Transportation Corridor Agencies (Mayor Hack)
Mayor Hack reported that the Agency is continuing its process to implement cashless tolling.
- 10.2 Orange County Library Board (Councilmember Robbins)
Mayor Robbins stated that there was no meeting.
- 10.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes was not present to provide a report.
- 10.4 Southern California Water Committee (Mayor Hack)
Mayor Hack announced that he is looking forward to the annual quarterly meeting tomorrow night with retired Judge Wanger as the guest speaker.
- 10.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)
Mayor Pro Tem Conners stated that a meeting is scheduled tomorrow in Laguna Beach.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes was not present to provide a report.
- 10.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins reported that 47 calls were received for dead birds; 8 crows tested positive for the West Nile Virus in October. There have been a total of five fatalities in California.

XI. PUBLIC COMMENTS

Hal Goldberg, resident, distributed handouts pertaining to the Department of Fish and Game's regulations on coyotes, which suggests that they are the only agency authorized by state law to trap and kill coyotes. He discussed the recent actions of the City of Calabasas and asked Council to consider rescinding the City's coyote ordinance.

Mayor Hack stated that the City conducted a preliminary activity with Fish and Game. The ordinance was carefully drawn to allow shooting permit only with concurrence of the City Manager and the Chief of Police Services. To date, two permits have been issued and 10 coyotes removed – 9 by trapping and one by shooting. He noted that two children were viciously attacked by coyotes in the past in south Orange County cities.

Mr. Goldberg asked if he could be allowed to review the communication with the Department of Fish and Game.

Mayor Hack stated that they have an office on the second floor of City Hall.

Mr. Goldberg stated that after speaking with various Departments of Fish and Game, it has become confusing to determine as to who has jurisdiction.

City Manager Keane stated that staff did have communication with Fish and Game but not in writing. Laguna Beach Animal Control kept them aware of the situation, including the City's consideration of a permit process; however, Fish and Game chose not to comment.

Mr. Goldberg asked if it would be possible to reconsider the issue.

Mayor Hack stated that it is possible, however, it is unlikely.

Mayor Pro Tem Connors stated that Laguna Woods' circumstances differ from Calabasas. The City has removed the aggressive coyotes and all removal efforts have ceased as currently coyotes are not causing problems. She noted that the City will vigorously fine anyone who willingly feed wild animals. Educational fliers have been distributed in hopes that we can all co-exist.

Bert Muldow, resident, discussed his concerns regarding the dangers of the San Onofre Nuclear Generating Station (SONGS). He feels that these are similar to those found in Japan's recent nuclear power plant disaster and suggested that Council initiate a discussion with the City of San Clemente, the nuclear plant and regulatory agencies to discuss the need to initiate precautionary actions.

Mayor Hack asked to consider adding an item to the December agenda that would allow the mayor to send a letter regarding offsite storage of used fuel rods be stored off-site. He noted that he is not interested in limiting available electricity.

The City Council agreed to add this matter to their December agenda.

Mayor Pro Tem Connors suggested that representatives from SONGS should be present.

City Manager Keane affirmed that San Onofre will be contacted. She noted that a representative from San Onofre was present during a recent Public Safety Committee, however, the committee decided not to take action at the time.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

A. Metropolitan Water District of Orange County 60th Anniversary Dinner, October 20, 2011 (Mayor Hack)

Mayor Hack reported that the guest speaker was the keeper of legislative records pertaining to water policies. Discussion covered the history and major activities which changed policy to transport water to Southern California.

B. California Joint Powers Insurance Authority Annual Educational Conference, October 26, 2011 (Mayor Pro Tem Conners)

Mayor Pro Tem Conners reported that she and City Manager Keane attended the conference. Seminars attended included discussion on risk transfer and contracts, management of workers' compensation, volunteers' exposure, and social media.

12.2 Other Meetings, Comments and Announcements

Councilmember Robbins announced that Senator Mimi Walters will be holding a town hall meeting to discuss identity theft prevention on November 30, 2011 from 2 – 4 p.m. at Club House 3. The event is open to the public, but reservations are required.

Mayor Pro Tem Conners reported on a meeting she attended at Orange County Transportation Authority regarding plans to widen the Interstate 5 freeway from Highway 133 to Crown Valley to include a carpool lane and an unrestricted lane and the addition of bicycle facilities on Metrolink trains. She also reported on a Waste Management Commission meeting and new state legislation designed to increase recycling and landfill diversion.

Councilmember Ring reported on a meeting he and Mayor Hack attended at the Southern California Association of Governments (SCAG). Councilmember Ring is a member of the Community, Economic and Human Development (CEHD) which met to approve the final Regional Housing Needs Assessment (RHENA) allocation methodology.

Mayor Hack discussed the Transportation portion of the RHENA allocation methodology. He reported that there is insufficient funding to maintain bridges and roadways in the state and SCAG is considering plans to improve this situation which will be presented to the Regional Council for discussion in December.

XIII. CLOSED SESSION

Mayor Hack announced that that there was no need for closed session.

XIV. ADJOURNMENT

The meeting was adjourned at 3:22 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, December 7, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: December 7, 2011

BERT HACK, Mayor

6.2
WAIVE READING OF ORDINANCES AND
RESOLUTIONS
(No Report)

6.3

WARRANT REGISTER

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 December 7, 2011

Check Number	Check Date	Vendor Name	Check Description	Amount
PREPAID WARRANTS:				
<i>Automatic Bank Debits</i>				
Debit	11/10/2011	ADP PAYROLL SERVICES	PPE 11/04/11	30,909.28
Debit	11/10/2011	ICMA RETIREMENT CORPORATION	PPE 11/04/11	1,594.03
Debit	11/10/2011	ADP PAYROLL SERVICES	Processing Charges/Payroll 11/04/11	119.05
Debit	11/23/2011	ADP PAYROLL SERVICES	PPE 11/18/11	30,781.64
Debit	11/23/2011	ICMA RETIREMENT CORPORATION	PPE 11/18/11	1,594.03
Debit	11/23/2011	ADP PAYROLL SERVICES	Processing Charges/Payroll 11/18/11	119.05
<i>Other</i>				
1111142	11/16/2011	AT&T	Telephone/581-3974/October 2011	76.27
1111143	11/16/2011	AT&T	Telephone/583-1105/October 2011	15.62
1111144	11/16/2011	AT&T	White Pages/November 2011	3.78
1111145	11/16/2011	ROBERT BURNETT	Cell Phone/Mileage Reimbursement/October 2011	178.74
1111146	11/16/2011	CALIFORNIA YELLOW CAB	NEMT/October 2011	5,977.00
1111147	11/16/2011	CALPERS - RETIREMENT	Retirement Contributions/Payroll 10/21/11	5,031.38
1111148	11/16/2011	CYNTHIA CONNERS	California JPIA Trip/October 2011	363.32
1111149		VOID		0.00
1111150	11/16/2011	KONE INC.	Elevator Maintenance/November 2011	217.00
1111151	11/16/2011	NIEVES LANDSCAPE, INC.	Landscape Maintenance/November 2011	10,605.41
1111152	11/16/2011	ORKIN	Pest Control/November 2011	84.49
1111153	11/16/2011	REDFLEX TRAFFIC SYSTEMS	Red Light Camera/October 2011	20,000.00
1111154	11/16/2011	REILLY, DOUGLAS C.	Employee Benefit Program/November 2011	130.50
1111155	11/16/2011	SOUTHERN CALIFORNIA EDISON	Residential Streetlights/Third/October 2011	4,342.70
1111156	11/16/2011	SOUTHERN CALIFORNIA WATER	SCWC Annual Dinner	500.00
1111157	11/21/2011	AFLAC	Employee Benefit Program/December 2011	310.80
1111158	11/21/2011	BANK OF AMERICA - CC	Credit Card Charges/October 2011	2,330.45
1111159	11/21/2011	CALIFORNIA YELLOW CAB	Taxi Voucher Service/October 2011	20,952.00
1111160	11/21/2011	EL TORO WATER DISTRICT	Linear Park Irrigation/November 2011	395.24

CITY OF LAGUNA WOODS
WARRANT REGISTER
December 7, 2011

Check Number	Check Date	Vendor Name	Check Description	Amount
111161	11/21/2011	EL TORO WATER DISTRICT	Dog Park Irrigation/November 2011	16.95
111162	11/21/2011	EL TORO WATER DISTRICT	City Hall Utilities/November 2011	28.00
111163	11/21/2011	EL TORO WATER DISTRICT	City Hall Irrigation/November 2011	92.64
111164	VOID	FOLEY, PATRICK		0.00
111165	11/21/2011	SADDLEBACK WINDOWS AND DOORS	CDBG Energy Efficiency Improvements	5,590.00
111166	11/21/2011	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers/November 2011	88.38
111167	VOID	VOID		0.00
111168	VOID	VOID		0.00
111169	11/21/2011	FOLEY, PATRICK	Employee Benefit Program	1,995.24
111170	11/21/2011	CHRISTOPHER MACON	Employee Benefit Program	1,886.03
111171	11/22/2011	CALPERS - HEALTH	Employee Benefit Program/December 2011	3,206.27
111172	11/22/2011	CAPTIONING UNLIMITED	CC City Council Meeting/November 2011	200.00
111173	11/22/2011	DENNIS D. NELSON, PE	Landscape Inspection/Sept 2011	2,835.00
111174	11/22/2011	LAUBACH CONSTRUCTION	Refund of Deposit/WPCP-102	216.31
111175	11/22/2011	PRINCIPAL FINANCIAL GROUP	Employee Benefit Program/December 2011	457.10
111176	11/22/2011	SOUTHERN CALIFORNIA EDISON	Safety Lights Over Traffic Signals/October 2011	385.41
111177	11/22/2011	SOUTHERN CALIFORNIA EDISON	Right of Way/October 2011	2,107.50
111178	11/28/2011	COASTAL PACIFIC CONSTRUCTION	Waste Diversion Deposit	6,000.00
111179	11/28/2011	DELTA DENTAL PLAN OF CA	Employee Benefit Program/December 2011	591.77
111180	11/28/2011	MANAGED HEALTH NETWORK	Employee Benefit Program/December 2011	22.23
111181	11/28/2011	ORANGE COUNTY REGISTER-NOTICES	Public Notices/October 2011	295.52
111182	11/28/2011	ORANGE COUNTY TREASURER-SHERIFF	OCSD Communications/1st Qtr FY 2011-12	48.00
111183	11/28/2011	SCOTT FAZEKAS & ASSOCIATES	Plan Check Servcs/October 2011	1,450.00
111184	11/28/2011	SOUTHERN CALIFORNIA EDISON	City Hall Utilities/December 2011	960.05
111185	11/28/2011	SOUTHERN CALIFORNIA EDISON	Ridge Route Park/November 2011	21.26
111186	11/28/2011	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers/City Centre Park/December 2011	21.26
111187	11/28/2011	THE GAS COMPANY	City Hall Utilities/November 2011	81.35
111188	11/28/2011	YOLIE TRIPPY	Employee Benefit Program/November 2011	350.00
111189	11/28/2011	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program/December 2011	167.53

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 December 7, 2011

Check Number	Check Date	Vendor Name	Check Description	Amount
111190	11/28/2011	WM CURBSIDE, LLC	Waste Collection/October 2011	714.55
Total Prepaid Warrants				<u>166,460.13</u>
REGULAR WARRANTS:				
111191	11/28/2011	AT&T	Telephone/458-3487/November 2011	31.60
111192	11/28/2011	CIT TECHNOLOGY FINANCING SERV.	Copier Lease/December 2011	641.12
111193	11/28/2011	CIVIL SOURCE	Inspection Services/October 2011	3,981.25
111194	11/28/2011	CYNTHIA CONNERS	December 2011 Compensation	300.00
111195	11/28/2011	HACK, BERT	December 2011 Compensation	300.00
111196	11/28/2011	HARDY & HARPER, INC.	Street Maintenance/October 2011	4,500.00
111197	11/28/2011	KEANE, LESLIE A.	December 2011 Auto Allowance	450.00
111198	11/28/2011	ELEANOR MCINNIS	Taxi Voucher Refund	50.00
111199	11/28/2011	NIEVES LANDSCAPE, INC.	Landscape Maintenance	2,580.00
111200	11/28/2011	OFFICE DEPOT	Office Supplies	89.15
111201	11/28/2011	ORANGE COUNTY TREASURER-SHERIFF	Sheriff Services/November 2011	110,320.92
111202	11/28/2011	PACIFIC LANDCRAFTERS	Streetlight Repair	585.00
111203	11/28/2011	PEAK LIGHTING & ELECTRIC, INC	Streetlight Maintenance/November 2011	704.52
111204	11/28/2011	MARTIN RHODES	December 2011 Compensation	300.00
111205	11/28/2011	RING, ROBERT	December 2011 Compensation	300.00
111206	11/28/2011	ROBBINS, MILTON	December 2011 Compensation	300.00
111207	11/28/2011	RUTAN & TUCKER, LLP	City Hall Acquisition/September 2011	6,670.85
111208	11/28/2011	SONITROL	Alarm Monitoring/December 2011	57.19
111208	11/28/2011	COMMPRO	Website Hosting/December 2011	295.00
Total Regular Warrants				<u>132,456.60</u>
Total Register				<u>298,916.73</u>

October Credit Card Statement Detail

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 December 7, 2011

Check Number	Check Date	Vendor Name	Check Description	Amount
Debit		ORANGE COUNTY REGISTER	Newspaper Subscription Renewal	35.56
Debit		MAC MALL	Printer Ribbons	62.48
Debit		OVERNIGHT EXPRESS	Delivery Services	68.51
Debit		US POSTAL SERVICE	Stamps	1,211.00
Debit		CA SOCIETY MUNI FINANCE OFFICERS	Training Seminar/Jones/November 18-20, 2011	425.00
Debit		HYATT HOTELS	CPJIA Conference/Keane/October 27-28, 2011	478.48
Debit		AMAZON	Office Supplies	49.42

6.4
TEMPORARY USE AND SPECIAL EVENTS
REGULATIONS

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA AMENDING CHAPTERS 13.06 AND 13.26 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO TEMPORARY USES AND SPECIAL EVENTS AND ADDING CHAPTER 7.20 TO THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SPECIAL EVENTS

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

SECTION 1. Section 13.060.010 (d) (765) of Chapter 13.06 (Definitions) of the Laguna Woods Municipal Code is hereby deleted.

SECTION 2. Section 13.06.010 (d) (805) of Chapter 13.06 (Definitions) of the Laguna Woods Municipal Code is hereby amended in its entirety to read:

(805) *Temporary use*: For the purpose of this Chapter, the words “temporary use” shall refer to a use that is established for a specified period of time and that is discontinued at the end of such specified time.

SECTION 3. Sections 13.06.010 (c) (11) and 13.06.010 (c) (12) are hereby added to Chapter 13.06 (Definitions) of the Laguna Woods Municipal Code, to read in their entirety as follows:

(11) *Days, business* means any day excluding Saturday, Sunday, and state or federal holidays.

(12) For the purpose of this Title, the words “*City Manager*” shall refer to the City Manager of the City of Laguna Woods, or his or her designee.

SECTION 4. Section 13.26.180 of Chapter 13.26 (Special Regulations) of the Laguna Woods Municipal Code is hereby amended in its entirety to read:

Sec. 13.26.180. Temporary uses.

(a) *Purpose and intent.* The purpose and intent of this section is to ensure conformance with zoning regulations; ensure compatibility with community character and aesthetics; and promote and protect public health, safety and welfare by regulating temporary uses in order to ensure that they do not cause detrimental effects to City property and services, surrounding properties, the environment and the community.

(b) *Permit required.* Each person or entity wishing to conduct a temporary use shall first apply for and obtain a “temporary use permit” from the City. No permit issued under the provisions of this section shall be transferable to another location or permittee.

(c) *Application requirements.* Application materials and processing shall be as prescribed by the City, and shall include but not be limited to the following:

- (1) A Land Use Permit Application form, including a complete project description and site plan.
- (2) Signature of the owner or authorized agent of the property on which the temporary use is proposed to occur.
- (3) A legal description of the property furnished on a copy of a recorded grant deed.
- (4) A completed environmental checklist, as required by the City’s CEQA Guidelines.
- (5) A description of any temporary utilities, fencing and/or landscaping.
- (6) If any grading or construction will occur on the site:
 - a. A copy of a title report, current to within six months of the date the application is submitted.
 - b. Existing and proposed building/structure elevations to scale in accordance with application instructions.

c. Floor plans drawn to an easily readable architectural scale showing existing and proposed conditions.

(7) If occurring on or in public-right-of-way, an approved encroachment permit.

(8) Identification of a contact person or persons affiliated with the person or entity conducting the temporary use, with authority to respond to issues, questions, or concerns with the conduct of the temporary use, or compliance with the terms of the temporary use permit.

(9) Application fees as may be prescribed by resolution of the City Council.

(c) *Inspection by government officials.* The City Manager shall have the right to enter temporary uses, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this section and any applicable laws or regulations.

(d) *Denial or revocation.* The City Manager may deny or revoke a temporary use permit if any of the following are found to exist. Such denial or revocation shall become effective immediately upon order, and the City Manager may upon such order take any of the enforcement actions authorized under Section 13.02.160.

(1) The temporary use conflicts with this section or any other local law or regulation.

(2) The applicant fails, neglects, or otherwise refuses to fulfill one or more of the conditions imposed upon the granting of the permit.

(3) The permit was obtained in a fraudulent manner.

(4) The temporary use will substantially disrupt public transportation or vehicular or pedestrian traffic, in the area of its location.

(5) The ability of persons to enter or exit properties impacted by the temporary use will be unreasonably disrupted considering factors such as the duration, size and scope of the temporary use.

(6) The temporary use is proposed to be located, or is located, in or upon a premises, building or structure, substantially lacking adequate parking to accommodate both the event and the “day to day” use of the property.

(7) The temporary use will require the diversion of police, fire, public works or other City services from normal duties, so as to unreasonably reduce adequate levels of service to any other portion of the City.

(8) The temporary use will have a substantial adverse impact on public health, safety or welfare, including but not limited to the environment.

(9) The City shall not issue permits to persons or entities with outstanding civil fines for violations of any kind, unless such fines are being appealed in accordance with the provisions of this Code.

(10) Any other reason deemed by the City Manager in the exercise of reasonable discretion to be necessary to protect public health, safety or welfare.

(e) *Special conditions.* Conditions may be placed on the issuance of temporary use permits to accomplish the purpose and intent of this section, at the sole cost and responsibility of the applicant. Such conditions may include, but not be limited to:

(1) The duration of the temporary use.

(2) Provision of adequate facilities for pedestrian and vehicular ingress and egress, and parking.

(3) Provision of adequate lighting or security systems or measures to assure public safety.

(4) Provision of on-site facilities for waste, recycling, or litter, or the requirement for regular litter removal, cleaning, dust suppression, or maintenance and repair activity to assure the site of, and the facilities constructed or used in connection with, the temporary use do not create an eyesore or nuisance.

(5) Posting of a bond, deposit, or other form of security in an amount reasonably estimated to be necessary to assure the removal of any facilities, signs, or improvements associated with the temporary use which are required to be removed at the expiration of the permit.

(f) *General restrictions.* Temporary uses shall be restricted as follows unless otherwise noted herein:

(1) As provided herein, the City Manager may issue a temporary use permit for a maximum of six months for the initial permit term and two additional six month permit terms. Subsequent renewals and temporary uses for periods of longer than 18 months shall require approval by the City Council and issuance of a conditional use permit. At his or her sole discretion, the City Manager may require City Council approval and/or issuance of a conditional use permit for any temporary use.

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

(g) *Special restrictions.* The following temporary uses shall be restricted as follows:

(1) Temporary construction trailers and facilities may be permitted for the duration of active construction on a given development project proceeding under a valid, active building, grading and/or encroachment permit.

(2) Stationary food carts may be permitted only when associated with "big box" retailers. Food carts shall be limited to locations on the premises of warehouse type retailers (e.g. Home Depot, Sam's Club) as an accessory service for customers and employees. A food cart may not block pedestrian or automobile circulation and must be removed when not in use. Carts must meet all County of Orange Health Care Agency, Orange County Fire Authority and other regulatory agency requirements.

(3) Temporary real estate offices and related signs may be established within the area of an approved tentative tract map or parcel map, or

offsite upon a showing of good cause, subject to the discretion of the City Manager, to be used solely for the first sale of homes or the first rental of apartments in projects of 20 or more units within the same tract, subject to the provisions of this section.

a. *Building site not required.* Notwithstanding the provisions of the Subdivision Code, the parcel of land on which a temporary real estate office is established is not required to be a building site provided that the parcel is precisely described.

b. *Permitted structures and facilities.* The following structures and facilities may be permitted in conjunction with the establishment of a temporary real estate office:

1. Model homes in compliance with the zoning regulations applicable to the properties that are being sold.
2. Garages, attached and detached, in compliance with the zoning regulations applicable to the properties that are being sold.
3. Temporary sales office buildings, or commercial coach.
4. Accessory buildings and structures in compliance with the zoning regulations applicable to the properties that are being sold.
5. Recreation facilities that will be a permanent portion of the subdivision in compliance with the zoning regulations applicable to the properties being sold.
6. Permanent streets and driveways that will be part of the subdivision after the abandonment of the real estate office use.
7. Temporary children's playgrounds.
8. Temporary and permanent fencing, walks and structural amenities.
9. Temporary vehicle parking and maneuvering area to provide off-street parking as necessary for employees and guests.
10. Temporary vehicle access ways.

(h) *Temporary signs.* Subject to the City Manager's approval, temporary signs directly associated with a temporary use may be permitted by a temporary use permit at no additional charge to the applicant.

Evaluation of requests for approval will consider site constraints, sight line considerations and the protection of public health, safety and welfare. Temporary signs must comply with Chapter 13.20 of this Code; however the City Manager may exercise discretion on the placement of temporary signs, provided that they comply with Sections 13.20.030 of this Code. Temporary signs permitted by a temporary use permit shall not count toward the applicant's maximum number of temporary signs allowed under Section 13.20 of this Code.

(i) *Appeals.* Any decision regarding the approval, approval with conditions, denial, or revocation of a temporary use permit may be appealed to the City Council. Said appeal shall be made by a notice of appeal from the person appealing within 30 days from the date of the decision. The appeal shall be accompanied by a fee, which shall be established by resolution of the City Council, and a written declaration setting forth the basis for the claim that the permit was improperly approved, denied, conditioned or revoked. Filing of an appeal shall suspend the issuance or effectiveness of the associated site development permit until action is taken on the appeal.

(j) *Relationship.* Nothing in this section is in any way intended to limit or excuse any person from having to comply with any other provision of this Code.

(k) *Compliance disclaimer.* This section is not intended to be exclusive and compliance with its provision shall not excuse noncompliance with any other local laws or regulations, or federal or state laws or regulations.

SECTION 5. Chapter 7.20, entitled Special Events, is hereby added to Title 7 (Public Safety and Welfare) of the Laguna Woods Municipal Code as follows:

Chapter 7.20 Special Events

- 7.20.010 Purpose and intent.
- 7.20.020 Definitions.
- 7.20.030 Permit required.
- 7.20.040 Application submission and considerations.
- 7.20.050 Application requirements.
- 7.20.060 Liability and property damage insurance requirements.

- 7.20.070 Indemnification requirements.
- 7.20.080 Security deposit and removal of special event installations.
- 7.20.090 Fee for services required.
- 7.20.100 Posting permit.
- 7.20.110 Inspection by government officials.
- 7.20.120 Grounds for denial or revocation.
- 7.20.130 Special conditions.
- 7.20.140 General restrictions.
- 7.20.150 Special restrictions.
- 7.20.160 Temporary signs.
- 7.20.170 Appeals.
- 7.20.180 Exempt activity.
- 7.20.190 Relationship.
- 7.20.200 Compliance disclaimer.

7.20.010 *Purpose and intent.* The purpose and intent of this section is to ensure conformance with zoning regulations and protect public health, safety and welfare by regulating special events in order to ensure that they do not cause detrimental effects to City property and services, surrounding properties, the environment and the community.

7.20.020 Definitions.

(a) *Special events:* For the purpose of this Section, the term “special event” shall refer to any short-term temporary gathering, assembly, rally, procession, festival, parade, carnival, open-air market, contest, spectator sport competition or exhibition, or similar activity that meets one or more of the following criteria:

- (1) Occurs partially or completely on any City-owned property.
- (2) Occurs partially or completely on any parking lot in any zoning district.
- (3) Occurs partially or completely outdoors in any commercial zoning district, excluding outdoor spaces duly permitted to host temporary gatherings.

- (4) Involves use or display of any one or more of the following outdoors: (i) balloons or other inflatable objects or displays; (ii) mechanical, inflatable, or carnival-style rides or attractions.
- (5) Can reasonably be expected to impede, obstruct, impair, or interfere with the normal use of public streets, sidewalks or other property.
- (6) Can reasonably be expected to require public service or public safety resources beyond standard levels normally provided, including but not limited to traffic control, law enforcement, fire or other City services.
- (7) Attendance can reasonably be expected to exceed available onsite parking.

(b) *Days, business* means any day excluding Saturday, Sunday, and state or federal holidays.

(c) As used in this chapter, *City Manager* means the City Manager of the City of Laguna Woods, or his or her designee.

7.20.030 *Permit required.* Except as provided in Section 7.20.180, each person or entity wishing to conduct a special event shall first obtain a permit from the City. The City Manager shall be the reviewing and approval authority for all permits. No permit issued under the provisions of this section shall be transferable to another location or permittee.

7.20.040 *Application submission and considerations.*

(a) Applications shall be submitted to the City no less than 15 business days prior to the event, and shall be acted upon by the City Manager within ten (10) business days after the application so filed is determined by the City Manager to be complete. The fifteen day application deadline may be waived or modified by the City Manager, in his or her discretion, for those applications he or she deems to be complete upon submission, and able to be processed and completed in sufficient time before the proposed special event, taking into account: (1) the scope and nature of the proposed special event; (2) the availability of City staffing resources to process the application in an expedited fashion; and (3) the time required to

secure the items likely to be required by the conditions to the permit in a timely fashion, given the proposed date of the special event.

(b) The City Manager shall issue the permit, if he or she finds all of the following:

- (1) The special event application is complete, and contains all of the materials, including payment of fees and/or deposits, required by this Section.
- (2) The special event is planned and located in a manner that will not create health, safety, or welfare hazards to the participants of the special event or to the residents of the City generally.
- (3) The proposed site is physically adequate for the special event being proposed.
- (4) The special event is not incompatible with the land uses on the proposed site and the immediately surrounding area.
- (5) Sufficient means of pedestrian and vehicular ingress, egress, parking and circulation will be provided.
- (6) Sufficient arrangements have been made for staffing of the special event by the permit applicant to provide reasonable set-up of, conduct of, and cleanup after the proposed special event.
- (7) Granting the permit will not conflict with any other special event previously permitted by the City for the same or closely proximate dates, in terms of providing public safety or other services.
- (8) The permit applicant has not previously abused public property or failed to comply with the provisions of a special use permit, including but not limited to failure to comply with any of the general policies and rules governing the use of City property.

7.20.050 *Application requirements.* Application materials and processing shall be as prescribed by the City, and shall include but not be limited to the following:

- (a) Application form.
- (b) Written approval of the owner or authorized agent of the property on which the special event is proposed to occur.
- (c) A written description of the special event.
- (d) A site plan showing the location of the special event and proposed activities, installations, access, parking and related features of same.
- (e) A parking plan, demonstrating available parking and access routes to and from such parking.
- (f) Application fees prescribed by resolution of the City Council.
- (g) Proof of liability and property damage insurance consistent with Section 7.20.060, to the extent permitted by law.
- (h) Indemnification, defense, and hold harmless agreement consistent with Section 7.20.070.
- (i) Security deposit for use of public property (if applicable) consistent with Section 7.20.080.
- (j) Identification of a contact person responsible for overseeing the event for the permit holder, including mobile phone, e-mail, or other contact information allowing for immediate contact of such contact person at all times during the occurrence of the special event.

7.20.060 *Liability and property damage insurance requirements.* Except as prohibited by law, the applicant shall, prior to the issuance of a permit, submit to the City a certificate and endorsement of insurance issued by an insurance company authorized to do business in the State of California and having a policyholder's rating of "A" (excellent) or better, and a financial rate of "X" or better in "Best's Insurance Reports--Fire and Casualty," or by a company approved in writing by the City's risk manager, which shall

evidence the fact that the applicant has in full force and effect a comprehensive general liability and property damage insurance policy covering every activity of the proposed special event. The amount of such insurance shall be in amounts to be determined by the City's risk manager, based on policies and directives as the City may from time to time establish considering the size, scope, and nature of the event. Said documents shall name the City, its officers, agents, employees and volunteers as additional insureds and shall indicate that the insurance is primary and any insurance which may be carried by the City shall be considered as excess thereto. The certificate and endorsement shall also indicate that the policy of insurance cannot be modified or canceled by the insurance carrier without at least 30 days' prior written notice to the City. Any certificates and endorsements shall be subject to approval by the City as to form, content, and financial ability of the insurer.

7.20.070 Indemnification agreement. Prior to the issuance of a special event permit, the applicant shall provide the City with an executed hold-harmless agreement in a form approved by the City's risk manager, which shall substantially state that the applicant agrees to indemnify, defend and hold the City of Laguna Woods and its elected and appointed boards, officials, officers, agents, employees, and volunteers harmless and free from any liability, penalty, expense or loss of any nature, including but not limited to liability for damage or injury to any persons or property resulting from, arising out of, or in any way connected to the special event.

7.20.080 Security deposit and removal of special event installations.

(a) Except as otherwise prohibited by law, a security deposit shall be required to accompany all special event permit applications for events that will occur on public property. The amount of the security deposit shall be as determined from time to time by resolution of the City Council, and shall be secured by a cash deposit or surety bond payable to the City.

(b) The security deposit shall be refundable to the permit applicant on full compliance with the provisions and requirements of this section. Failure to comply with any provision or requirement of this section shall result in the applicant's forfeiture of the security deposit, and the charging to the permit holder of any reasonable fines, fees, or expenses associated with acts of noncompliance. In the event that the permit applicant fails to remove or cause to be removed any equipment, supplies, or temporary facilities or

structures placed or erected in connection with the special event, and the City removes same after reasonable notice to the permit holder of its obligation to do so, notice shall be given to the applicant indicating that the City has removed such and that they will be destroyed and/or will become the property of the City within 30 calendar days of such notice if neither the applicant nor any authorized agent of the same has retrieved them from the City prior to the expiration of the 30-day period. The City may charge the special event permit holder the City's actual reasonable costs of any removal or storage of such facilities or structures. All notices shall be sent to the applicant's address as provided on the special event permit application.

7.20.090 *Fees for services required.* The applicant shall pay for the actual costs of police, fire, public works or other City services made a condition of the permit, or otherwise directly incurred by the City in connection with the event, as well as applicable overhead rates.

7.20.100 *Posting permit.* The special event permit must be posted at the special event location in a conspicuous place, and a copy thereof must be in the possession of the person responsible for the on-site supervision of the special event throughout the event. The permit must be made available for inspection by any City or other government official upon request.

7.20.110 *Inspection by government officials.* The City Manager shall have the right to enter special events, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this chapter, the conditions of the special event permit, and any applicable laws or regulations.

7.20.120 *Grounds for denial or revocation.* The City Manager may deny or revoke a special event permit if any of the following are found to exist. Such denial or revocation shall become effective immediately upon notice to the permit holder's contact person, and in the event of revocation, the City Manager may thereupon take immediate measures, including but not limited to utilizing police, public safety, or public works resources, to terminate the non-complying special event.

(a) The event conflicts with this section or any other local law or regulation.

(b) The applicant fails, neglects, or otherwise refuses to fulfill one or more of the conditions imposed upon the granting of the permit.

(c) The permit was obtained on the basis of materially false information or representations.

(d) The event will substantially disrupt public transportation or vehicular or pedestrian traffic, in the area of its location.

(e) The ability of persons to enter or exit properties impacted by the event will be unreasonably disrupted considering factors such as the duration, size and scope of the event.

(f) The event is proposed to be located, or is located, in or upon a premises, building or structure, substantially lacking adequate parking to accommodate both the event and the “day to day” use of the property.

(g) The event is scheduled to occur at a location or time in conflict with another event, where such conflict would adversely impact the other event or the City's ability to provide adequate services.

(h) The event will require the diversion of police, fire, public works or other City services from normal duties, so as to unreasonably reduce adequate levels of service to any other portion of the City.

(i) The event will have a substantial adverse impact on public health, safety or welfare, including but not limited to the environment.

(j) The event will take place in an area of the City scheduled for maintenance, monitoring, construction or repair and either (i) the conduct of the event would interfere with such maintenance, monitoring, construction or repair; or (ii) the maintenance, monitoring, construction or repair would represent a threat to the health, safety or welfare of event participants.

7.20.130 *Special conditions.* Conditions may be placed on the issuance of special event permits to accomplish the purpose and intent of this section, compliance with which shall be at the sole cost and responsibility of the applicant. Conditions may relate to, but are not limited to, the following matters:

- (a) Number of consecutive days of event.
- (b) Location or route of event.
- (c) Date or time of event.
- (d) Length or composition of any procession or parade.
- (e) Use of temporary signs.
- (f) Use of sound systems.
- (g) Use of first aid or sanitary facilities.
- (h) Use of additional police, fire or other City services.
- (i) Measures to promote cleanliness, encourage recycling of recyclable materials, prevention or removal of litter, and aesthetic appeal.
- (j) Notification of adjacent property owners and occupants.
- (k) Submittal of documentation by vendors conducting sales at the event, certifying compliance with Board of Equalization regulations.
- (l) Additional permits or clearances (e.g., alcoholic beverage control, fire department, public health, etc.) as may be required by applicable federal, state or local law, regulation, or administrative practice of the City.
- (m) Provision of medical or sanitary facilities.
- (n) Measures to prevent nuisance factors to surrounding properties, such as undue noise, light, glare, odors, smoke, or vibrations.
- (o) Payment in full of any outstanding fines, administrative assessments, or delinquent fees or charges relating to any prior special use permit issued to the applicant.

7.20.140 *General restrictions.* Special events shall be restricted as follows except as otherwise expressly noted herein:

(a) Special events shall be limited to a maximum of four per year, with no less than 30 calendar days between events, for any person or entity.

(b) Special events shall not exceed 10 consecutive calendar days per event. A maximum of two additional days may be permitted for set-up and clean-up, respectively.

(c) Use of the name of the City to suggest the City is a sponsor of the special event, or use of City seal, in any of the advertising, marketing, or promotional activities for the special event are prohibited, without prior written approval from the City Manager.

7.20.150 *Special restrictions.* Special events shall be restricted as follows:

(a) Outdoor sales on commercial properties, with the exception of Christmas tree lots and pumpkin patches, shall be either directly related or accessory in use to the applicant's normal business activities. A building tenant's participation in a multi-tenant outdoor sale or exhibition shall count as a special event for that tenant in terms of event timing and frequency requirements.

(b) Exterior use of balloons may be permitted as an incidental or accessory use to a special event, except that planned or intentional releases are prohibited. The type, quantity, size, material and location is subject to the City Manager's approval and will be considered based on site constraints, sight line considerations and the protection of public health, safety and welfare. Use of metallic balloons is prohibited.

(c) Christmas tree lots may not initiate sales until the first Friday following Thanksgiving, and shall end no later than December 26 of the same calendar year. A maximum of eight additional business days for setup and three additional business days for cleanup may be permitted. Christmas tree lots shall not engage in the sale of any merchandise not directly associated with Christmas trees.

(d) Pumpkin patches may not initiate sales until October 1 and shall end no later than November 1 of the same calendar year. A maximum of eight additional business days for setup and three additional business days for cleanup may be permitted. Pumpkin patches shall not engage in the sale of any merchandise not directly associated with pumpkins.

7.20.160 *Temporary signs.* Subject to the City Manager's approval, temporary signs directly associated with a special event may be permitted by a special event permit at no additional charge to the applicant. Evaluation of requests for approval will consider site constraints, sight line considerations and the protection of public health, safety and welfare. Temporary signs must comply with Chapter 13.20 of this Code; however the City Manager can exercise discretion on the placement of temporary signs, provided that they comply with Sections 13.20.030 of this Code. Temporary signs permitted by a special event permit shall not count toward the applicant's maximum number of temporary signs allowed under Section 13.20 of this Code.

7.20.170 *Appeals.* Any decision regarding the approval, approval with conditions, denial, or revocation of a special event permit may be appealed to the City Council. Said appeal shall be made by a notice of appeal from the person appealing within 30 days from the date of the decision. The appeal shall be accompanied by a fee reasonably required to cover the City's costs in processing the appeal, which shall be established by resolution of the City Council, and a written declaration setting forth the basis for the claim that the permit was improperly approved, denied, conditioned or revoked. Filing of an appeal shall suspend the issuance or effectiveness of the associated special event permit until action is taken on the appeal.

7.20.180 *Exempt activity.* The following temporary gatherings and parades do not require issuance of a special event permit:

(a) In-home activities that are incidental or accessory to the use of homes, including private social gatherings.

(b) Garage, yard and estate sales involving four or fewer households.

(c) Lawful gatherings or assemblies conducted in accordance with all applicable laws, solely for engaging in political or other speech protected by the First Amendment of the United States Constitution; Article 1, Section 2 of the State Constitution; or other federal or state law, including but not limited to lawful demonstrations, rallies, or protests. Only protected conduct is exempt from issuance of a special event permit.

(d) Funeral processions.

(e) Events sponsored in whole or in part by the City occurring on City-owned property.

(f) Functions that occur in residential, open space, or community facilities zoning districts that may otherwise be considered inconsistent with the zoning district or zoning regulations applicable to the property provided that (i) the event is infrequent in occurrence; (ii) the length of the function does not exceed six-hours each day for not more than two days; (iii) legally established occupancy levels are adhered to; (iv) all activities take place indoors or on attached, enclosed patios; and (v) there is no exterior use of balloons or outdoor signage requiring a sign permit.

(g) Emergency public health, safety or welfare activities.

7.20.190 *Relationship*. Nothing in this section is in any way limits or excuses any person from having to comply with any other provision of this Code.

7.20.200 *Compliance disclaimer*. This section is not intended to be exclusive and compliance with its provision shall not excuse noncompliance with any other local laws or regulations, or federal or state laws or regulations

SECTION 6. Effective Date

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

SECTION 7. Severability

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

SECTION 8. City Clerk's Certification

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

PASSED, APPROVED AND ADOPTED this XXth day of XX 2011.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

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

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

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

YOLIE TRIPPY, Deputy City Clerk

6.5
EMERGENCY MANAGEMENT

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
AMENDING CHAPTER 7.04 OF THE LAGUNA WOODS MUNICIPAL
CODE PERTAINING TO EMERGENCY MANAGEMENT

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

SECTION 1. Chapter 7.04 (Emergency Management) of the Laguna Woods
Municipal Code is hereby amended in its entirety to read:

CHAPTER 7.04. EMERGENCY MANAGEMENT

- Sec. 7.04.010. - Purpose and intent.
- Sec. 7.04.020. - Definitions.
- Sec. 7.04.030. - Disaster Council membership.
- Sec. 7.04.040. - Disaster Council powers and duties.
- Sec. 7.04.050. - Director and Assistant Director of Emergency Services.
- Sec. 7.04.060. - Powers and duties of the Director and Assistant Director of
Emergency Services.
- Sec. 7.04.070. - Emergency organization.
- Sec. 7.04.080. - Emergency operations plan.
- Sec. 7.04.090. - Expenditures.
- Sec. 7.04.100. - Punishment of violations.

Section 7.04.010. - Purpose and intent.

The purpose and intent of this chapter is to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the City with all other public agencies, corporations, organizations and affected private persons.

Section 7.04.020. - Definitions.

The definitions found in Government Code §§ 8555-8561 apply to this chapter.

Section 7.04.030. - Disaster Council membership.

The City Council shall serve as the Laguna Woods Disaster Council. The Mayor shall serve as the chairperson and the Mayor Pro Tem shall serve as the vice chairperson.

Section 7.04.040. - Disaster Council powers and duties.

The Laguna Woods Disaster Council shall function as described in the California Emergency Services Act, California Code of Regulations, and other State laws as applicable. Duties shall include developing emergency plans and maintaining the City's participation in the California Disaster Service Worker Volunteer Program.

Section 7.04.050. - Director and Assistant Director of Emergency Services.

(a) There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.

(b) There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director of Emergency Services.

Section 7.04.060. - Powers and duties of the Director and Assistant Director of Emergency Services.

(a) The Director of Emergency Services is hereby empowered to:

- (1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a "local emergency" is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.
- (2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.
- (3) Control and direct the effort of the emergency organization of the City for the accomplishment of the purposes of this ordinance.
- (4) Direct cooperation between and coordination of services and staff of the emergency organization of the City; and resolve questions of authority and responsibility that may arise between them.

ITEM 6.5

- (5) Require emergency service of any City employee and require any exempt City employee to remain available on a standby basis, for regular and emergency service, but without compensation for remaining so available, notwithstanding any salary resolution or other form of ordinance to the contrary.
- (6) Request, contract for, receive, and implement State and Federal aid of all types, including but not limited to measures available under the California Emergency Services Act relating to emergency recovery.
- (7) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
- (8) Execute all of his or her ordinary power as City Manager, all of the special powers conferred upon him or her by this ordinance or by resolution or emergency plan pursuant hereto adopted by the City Council, and all of the powers conferred upon him or her by any statute, by any agreement approved by the City Council, and by any other lawful authority.
- (9) In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the California Emergency Management Agency, or the existence of a “state of war emergency,” the Director is hereby additionally empowered:
 - a. To make and issue orders and regulations on matters reasonably related to the protection of life and property; provided, however, such orders and regulations must be confirmed as the earliest practicable time the City Council;
 - b. To obtain vital services found lacking and needed for the protection of life and property and to bind the City for the fair value thereof;
 - c. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;
 - d. To command the aid of as many citizens as he or she deems necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster services workers; and

- e. To authorize any City officer or employee to perform all or a portion of the duties listed in subsections “b.”, “c.”, and “d.” above.
- (b) The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by resolution of the City Council.
- (c) The Assistant Director of Emergency Services shall, under the supervision of the Director and with the assistance of emergency services chiefs, develop emergency plans and manage the emergency programs of the City; and shall have such other powers and duties as may be assigned by the Director.

Section 7.04.070. - Emergency organization.

All officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of this chapter, shall be charged with duties incident to the protection of life and property in the City during such emergency and shall constitute the emergency organization of the City.

Section 7.04.080. - Emergency operations plan.

The Laguna Woods Disaster Council shall be responsible for the development of the City of Laguna Woods Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of the City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

Section 7.04.090. - Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

Section 7.04.100. - Punishment of violations.

It shall be a misdemeanor for any person to:

ITEM 6.5

- (1) Willfully, obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him or her by virtue of this chapter.
- (2) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof.
- (3) Wear, carry, or display, without authority, any means of identification specified by the City or the California Emergency Management Agency.

SECTION 2. Effective Date.

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

SECTION 3. Severability

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

SECTION 4. City Clerk's Certification

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

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

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

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

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

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

YOLIE TRIPPY, Deputy City Clerk

6.6
MOULTON PARKWAY AND RIDGE ROUTE
LANDSCAPE
(No Report)

6.7
ENERGY EFFICIENT TRAFFIC SAFETY
STREETLIGHTS
(No Report)

6.8
CITY CENTRE PARK
(No Report)

6.9
DEVELOPMENT IMPACT FEES ANNUAL
REPORT

Development Impact Fees Fund
Park In Lieu Fees*
Report for Period Ending 6/30/2011

The purpose of establishing park land dedications or a fee in lieu of park dedication is to finance park land acquisition and rehabilitation commensurate with the level of need resulting from new development and population growth.

Date	Description	Project	Amount	Balance
07/01/10	Beginning Balance	San Sebastian		238,819
	Income:			
09/30/10	Quarterly Interest Allocation		137	
12/31/10	Quarterly Interest Allocation		149	
03/31/11	Quarterly Interest Allocation		135	
06/30/11	Quarterly Interest Allocation		124	
	Total Income		<u>545</u>	
	Expenditures:			
	Public Improvements/City Centre Park		163,988	
	Public Improvements/Ridge Route Linear Park		10,289	
	Public Improvements/Woods End		3,626	
	Total Expenditures		<u>(177,903)</u>	
	Total Deposit (6/15/06)		425,629	
	Total Fund to Date Interest		53,535	
	Total Fund to Date Expenditures		<u>(417,703)</u>	
	Fund Ending Balance			61,461

* Reference City Ordinance No. 05-01, adopted January 19, 2005

Construction of City Centre Park commenced in Spring 2011 and 38% of the cost of the project will be funded with Park in Lieu fees. All Park in Lieu fees were budgeted in the FY 2010 Capital Improvement Program (CIP) for City Centre Park, Ridge Route Linear Park, and Woods End Improvements, with the exception of interest, and will be expended by June 2012.

No interfund transfers, loans or refunds were made during this reporting period.

6.10
INVESTMENT POLICY

RESOLUTION NO. 10-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACKNOWLEDGING THE REVIEW, RECEIPT AND FILING OF THE ANNUAL STATEMENT OF INVESTMENT POLICY

WHEREAS, The Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (California Government Code Sections 53600.6 and 53630.1); and

WHEREAS, the legislative body of a local agency may invest surplus monies not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections 5921 and 53601 et seq.; and

WHEREAS, the City Treasurer is required to annually prepare and submit a statement of investment policy, and any changes thereto, which shall be considered by the City Council at a public meeting; (California Government Code Section 53646(a)); and

WHEREAS, the City Treasurer of the City of Laguna Woods has prepared the annual Investment Policy detailed in Exhibit 1 to this resolution;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY RESOLVE that Exhibit 1 to this resolution is a statement of the City's Investment Policy, and that it does so receive and file said statement in accordance with applicable Government Code requirements.

PASSED, APPROVED AND ADOPTED on this ___ day of December 2011.

BERT HACK, Mayor

ATTEST:

Yolie Trippy, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Resolution No. 10-XX** was duly adopted
by the City Council of the City of Laguna Woods at a regular meeting thereof, held
on the ___ day of December 2011, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk

CITY OF LAGUNA WOODS

**ADMINISTRATIVE POLICY 3.2
CITY INVESTMENT POLICY**

3.2.01 PURPOSE

To provide an investment policy in keeping with the goals and objectives of the City of Laguna Woods, in conformance with California Government Code Sections 5921 and 53600 et. seq.

3.2.02 INVESTMENT POLICY

It shall be the policy of the City of Laguna Woods to invest funds in a manner which will provide the highest investment return possible consistent with maximum security while meeting daily cash flow demands and conforming to all other statutes governing the investment of City funds.

3.2.03 SCOPE

This investment policy shall apply without exception to any and all financial assets and funds of the City of Laguna Woods.

3.2.04 PRUDENCE

The standard of prudence to be used by investment officials shall be the “prudent investor” standard (CGC 53600.3):

When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence and diligence under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.

Investment officers acting in accordance with the investment policy and exercising due diligence shall not be held personally responsible for an individual security’s credit risk or market price changes, provided that the reporting requirements of this policy are made in a timely manner and appropriate action is taken to control adverse developments.

3.2.05 OBJECTIVES

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives of investment activities, in absolute priority order, shall be:

- A. **Safety:** Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- B. **Liquidity:** The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might reasonably be anticipated.
- C. **Yield:** The investment portfolio shall be designed with the objective of attaining the highest investment return consistent with safety and liquidity objectives. Yield should become a consideration only after the basic requirements of safety and liquidity have been met.

3.2.06 DELEGATION OF AUTHORITY

Management responsibility for the investment program is hereby delegated to the:

City Manager
City Treasurer

No person may engage in an investment transaction except as provided under the terms of this policy

3.2.07 ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

3.2.08 AUTHORIZED INVESTMENTS

- A. **FDIC Insured Accounts:** Monies required for immediate cash flow needs shall be deposited in an FDIC insured checking account at the Bank of America or similar institution authorized by the City Council.
- B. **Local Agency Investment Fund (LAIF):** Monies not required for immediate cash flow needs shall be deposited in LAIF, a special fund in the California State Treasury.
- C. **Overnight Government Securities:** Monies not required for immediate cash flow needs may be invested by the City's primary bank (Bank of America or other

Exhibit 1

similar institution authorized by the City Council) in overnight securities of U.S. Treasuries, Agencies and Instrumentalities.

- D. *Prohibited Investments.* Under the provisions of CGC 53601.6 and 53631.5, the City of Laguna Woods shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

3.2.09 PUBLIC TRUST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust. In a diversified portfolio it must be recognized that occasional measurement losses are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

3.2.10 DIVERSIFICATION

The City of Laguna Woods will diversify its investments in keeping with the objectives enunciated in this Statement of Investment Policy.

3.2.11 REPORTING

- A. The City Treasurer shall prepare and submit an investment report to the City Council on a quarterly basis.
- B. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for City of Laguna Woods by third party contracted managers. The report will include the source of the portfolio valuation.
- C. For funds placed in LAIF, U.S. government securities and/or FDIC insured accounts, the foregoing report elements may be replaced by copies of the latest statements from such institutions.
- D. The report shall include a certification that:

Exhibit 1

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

3.2.12 INVESTMENT POLICY ADOPTION

The Investment Policy and modifications, if any, shall be adopted at least annually by resolution of the City Council at a public meeting.

Adopted by City Council: 12/14/01, 12/18/02, 12/17/03, 12/22/04, 12/21/05, 12/13/06, 12/12/07, 12/12/08, 12/16/09, 12/15/2010, 12/7/2011

6.11
ORANGE COUNTY TRANSPORTATION
AUTHORITY COOPERATIVE AGREEMENT

1 COOPERATIVE AGREEMENT NO. C-1-2628

2 BETWEEN

3 ORANGE COUNTY TRANSPORTATION AUTHORITY

4 AND

5 CITY OF LAGUNA WOODS

6 FOR

7 FEDERAL TRANSPORTATION ENHANCEMENT PROJECT

8 EL TORO ROAD / ALISO CREEK ROAD PHASE II

9 BICYCLE AND PEDESTRIAN ENHANCEMENT PROJECT

10 THIS AGREEMENT is effective this _____ day of _____ 2011, by and
11 between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184,
12 Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to
13 as "AUTHORITY"), and the City of Laguna Woods, 24264 El Toro Road, Laguna Woods, California,
14 92637, a municipal corporation duly organized and existing under the constitution and laws of the
15 State of California (hereinafter referred to as "CITY").

16 RECITALS:

17 **WHEREAS**, AUTHORITY and CITY desire to enter into a Cooperative Agreement to define
18 the roles and responsibilities between AUTHORITY and CITY for construction of El Toro Road /
19 Aliso Creek Road Phase II Bicycle and Pedestrian Enhancement; (hereinafter referred to as
20 "PROJECT"); and

21 **WHEREAS**, on January 28, 2008, AUTHORITY's Board of Directors, approved providing
22 funding of up to Five Hundred Thousand Dollars (\$500,000) in Transportation Development Act
23 (TDA) Article 3 funds for the El Toro Road / Aliso Creek Road Sidewalk and Bikeway Enhancement
24 Project; and

25 **WHEREAS**, CITY has awarded One Hundred Forty Eight Thousand Eight Hundred Five
26 Dollars (\$148,805) in TDA funds to the El Toro Road / Aliso Creek Road Sidewalk and Bikeway

1 Enhancement Project Phase I, which is now considered a separate project from PROJECT; and

2 **WHEREAS**, CITY intends to use the remaining Three Hundred Fifty One Thousand One
3 Hundred Ninety Five Dollars (\$351,195) for the PROJECT; and

4 **WHEREAS**, AUTHORITY and CITY agree that TDA funding for the PROJECT is contingent
5 upon funding being available from the State of California and the PROJECT maintaining its eligibility
6 for funding; and

7 **WHEREAS**, AUTHORITY administers the TDA program and is responsible for programming
8 the funds to specific projects within Orange County and is responsible for reimbursement for project
9 activities; and

10 **WHEREAS**, CITY is an eligible recipient of Federal funding under the Transportation
11 Enhancement (TE) 2010 Program and PROJECT is eligible for TE funding; and

12 **WHEREAS**, on September 27, 2010, AUTHORITY's Board of Directors, approved providing
13 funding of up to Five Hundred Thousand Dollars (\$500,000) or 45.764% of the total project cost in
14 TE funds, which shall be supplemented with Three Hundred Fifty One Thousand One Hundred
15 Ninety Five Dollars (\$351,195) of TDA funds and matched with Two Hundred Forty One Thousand
16 Three Hundred Sixty One Dollars (\$241,361) of CITY funds for a total project cost of One Million
17 Ninety Two Thousand Five Hundred Fifty Six Dollars (\$1,092,556); and

18 **WHEREAS**, AUTHORITY and CITY agree that the total full funding for construction
19 management and construction for PROJECT shall be One Million Ninety Two Thousand Five
20 Hundred Fifty Six Dollars (\$1,092,556) in accordance with Exhibit A titled "TE Funding Plan", which
21 is attached herein and incorporated by reference; and

22 **WHEREAS**, AUTHORITY and CITY agree that the federal Safe, Accountable, Flexible,
23 Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which provides the TE
24 funding, was passed by the federal government in 2005, expired in September of 2009 and has
25 been extended through continuing resolutions and TE funding for the PROJECT is contingent upon
26 funding being available through SAFETEA-LU or a new transportation act and the PROJECT

1 maintaining its eligibility for this funding; and

2 **WHEREAS**, the California Department of Transportation (Caltrans) administers the TE
3 program on behalf of the Federal Highway Administration (FHWA) and is responsible for acquiring
4 federal approvals for the project on behalf of CITY, determining federal eligibility, compliance with
5 federal requirements, and reimbursement for project activities; and

6 **WHEREAS**, the California Transportation Commission (CTC) approves funding for projects
7 through the State Transportation Improvement Program (STIP) and is responsible for approving
8 allocation of TE funds; and

9 **WHEREAS**, in order to proceed with advertising or commence construction of PROJECT
10 under this Agreement, CITY is responsible to request and receive approvals from the appropriate
11 State, Federal, and Local agencies; and

12 **WHEREAS**, CITY agrees to act as lead agency for engineering, right-of-way acquisition,
13 construction management and construction of PROJECT; and

14 **WHEREAS**, this Cooperative Agreement defines the specific terms and conditions and
15 funding responsibilities between AUTHORITY and CITY (herein referred to as "PARTIES") for
16 completion of the PROJECT.

17 **WHEREAS**, AUTHORITY's Board of Directors approved the Cooperative Agreement on
18 September 27, 2010; and

19 **WHEREAS**, CITY's Council approved the Cooperative Agreement on this _____ day of
20 _____ 2011.

21 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CITY as
22 follows:

23 **ARTICLE 1. COMPLETE AGREEMENT**

24 A. This Agreement, including any attachments incorporated herein and made applicable
25 by reference, constitutes the complete and exclusive statement of the term(s) and condition(s) of
26 this agreement between AUTHORITY and CITY and it supersedes all prior representations,

1 understandings, and communications. The invalidity in whole or in part of any term or condition of
2 this Agreement shall not affect the validity of other term(s) or condition(s) of this Agreement. The
3 above referenced Recitals are true and correct and are incorporated by reference herein.

4 B. AUTHORITY's failure to insist on any instance(s) of CITY's performance of any
5 term(s) or condition(s) of this Agreement shall not be construed as a waiver or relinquishment of
6 AUTHORITY's right to such performance or to future performance of such term(s) or condition(s),
7 and CITY's obligation in respect thereto shall continue in full force and effect. Changes to any
8 portion of this Agreement shall not be binding upon AUTHORITY except when specifically confirmed
9 in writing by an authorized representative of AUTHORITY by way of a written amendment to this
10 Agreement and issued in accordance with the provisions of this Agreement.

11 C. CITY's failure to insist on any instance(s) of AUTHORITY's performance of any
12 term(s) or condition(s) of this Agreement shall not be construed as a waiver or relinquishment of
13 CITY's right to such performance or to future performance of such term(s) or condition(s), and
14 AUTHORITY's obligation in respect thereto shall continue in full force and effect. Changes to any
15 portion of this Agreement shall not be binding upon CITY except when specifically confirmed in
16 writing by an authorized representative of CITY by way of a written amendment to this Agreement
17 and issued in accordance with the provisions of this Agreement.

18 **ARTICLE 2. SCOPE OF AGREEMENT**

19 This Agreement specifies the roles and responsibilities of the PARTIES as they pertain to the
20 subjects and projects addressed herein. Both AUTHORITY and CITY agree that each will cooperate
21 and coordinate with the other in all activities covered by this Agreement and any other supplemental
22 agreements that may be required to facilitate purposes thereof.

23 **ARTICLE 3. RESPONSIBILITIES OF AUTHORITY**

24 AUTHORITY agrees to the following responsibilities for PROJECT:

25 A. AUTHORITY shall formally request on behalf of CITY that the Southern California
26 Association of Governments (SCAG) amend the Federal Transportation Improvement Program (FTIP)

1 to program up to One Million Ninety Two Thousand Five Hundred Fifty Six Dollars (\$1,092,556) in
2 accordance with the funding plan outlined in Exhibit A, whereby AUTHORITY's performance under this
3 Agreement is contingent upon SCAG, Caltrans, and FHWA approval.

4 B. AUTHORITY shall provide assistance to CITY in securing the TE funds.

5 C. AUTHORITY shall not be obligated to program any amount beyond what has been
6 identified in this Article.

7 D. AUTHORITY shall process any required FTIP amendments.

8 E. AUTHORITY shall review and approve CITY's request for allocation of TE funds prior
9 to submittal to Caltrans District 12.

10 F. AUTHORITY shall cancel PROJECT if CITY has not submitted a request for
11 authorization to proceed (E-76 forms) and allocation request by February 1, 2012, or has not advanced
12 the project to ready-to-list stage as determined by Caltrans guidelines.

13 G. Payment – AUTHORITY shall request that the County of Orange remit to CITY TDA
14 funds within sixty (60) days of receipt of a complete and properly prepared invoice as described in
15 Article 5, reimbursement for eligible TDA costs up to thirty two and one hundred and forty four
16 thousands percent (32.144%) of total project costs, which shall not exceed the sum of Three Hundred
17 Fifty One Thousand One Hundred Ninety Five Dollars (\$351,195). AUTHORITY will not be obligated to
18 pay for any amount beyond this amount.

19 **ARTICLE 4. RESPONSIBILITIES OF CITY**

20 CITY agrees to the following responsibilities for PROJECT:

21 A. CITY will act as the lead agency for the engineering, right-of-way, construction and
22 construction management of the PROJECT.

23 B. CITY will submit semi-annual project status reports for the PROJECT to AUTHORITY
24 due on January 15 for the prior six month period, beginning on July 1, and ending on December 31
25 and due on July 15 for the prior 6 month period, beginning on January 1 and ending on June 30 with
26 Exhibit B titled "TE Semi-Annual Report".

1 C. CITY will submit a final TE report to AUTHORITY upon completion of the project in
2 accordance with Exhibit C titled "TE Final Project Report Form".

3 D. CITY is responsible for preparing and submitting to AUTHORITY all
4 CTC documentation needed for allocation vote 90 days prior to CTC meeting and no later than
5 February 1, 2012.

6 E. CITY is responsible for preparing and submitting all necessary Caltrans required
7 documentation including E-76 forms. CITY cannot proceed with advertisement of construction of
8 PROJECT or any construction related work prior to authorization to proceed (E-76 form approval) by
9 the FHWA. CITY agrees to submit the completed E-76 forms to Caltrans District 12 by
10 February 1, 2012 and will provide evidence of submittal to AUTHORITY by February 28, 2012. All
11 prior approvals, including but not limited to Caltrans environmental approval and right-of-way
12 certification, must be attained prior to February 1 to meet this requirement.

13 F. CITY acknowledges that if the allocation request and E-76 forms are not submitted
14 to AUTHORITY and Caltrans by February 1, 2012 and CITY has not attained the required approval
15 of environmental and right-of-way certification by this date or has not advanced the project to ready-
16 to-list stage as determined through Caltrans guidelines the TE funding will be cancelled by
17 AUTHORITY.

18 G. CITY shall provide a minimum of 22.092% of the total project cost in CITY funds as
19 the required local match which shall be finalized at construction contract award and in accordance
20 with Exhibit A. Based on the existing budget, the estimated local match contribution is Two Hundred
21 Forty One Thousand Three Hundred Sixty One Dollars (\$241,361) in CITY funds. Actual TE funding
22 required will be determined based on construction contract award amount; and

23 H. CITY agrees to revise E-76 finance letter with submittal of contract award information
24 to Caltrans within 30 days of contract award to accommodate the required overall project local
25 match requirement and to de-obligate any TE funds that are not estimated to be needed for the
26 project based on the estimated project funding need at contract award.

1 I. CITY agrees that any cost overruns shall be the responsibility of CITY.

2 J. CITY is responsible for completing the PROJECT in accordance with Exhibit A, timely
3 use of funds requirements, and to abide by all TE programming guidelines, TDA programming guide
4 lines, STIP Guidelines, and any and all other federal and state requirements related to the TE.

5 K. CITY agrees that cost savings shall be distributed proportionally between TE, TDA
6 and local funding.

7 **ARTICLE 5. REQUEST FOR TDA REIMBURSEMENT**

8 A. Not more frequently than quarterly, CITY shall prepare and submit to AUTHORITY an
9 invoice as specified in Exhibit D, titled "TDA Procedures." CITY's invoice shall include allowable
10 PROJECT costs incurred and paid for by CITY consistent with the Project's Scope of Work. The
11 invoice submitted by CITY shall be signed by an authorized agent who can duly certify the accuracy
12 of the included information. Advance payments by AUTHORITY are not allowed.

13 B. The invoice must be submitted on CITY's letterhead.

14 C. The invoice shall be submitted by CITY and in accordance with Exhibit D. Each
15 invoice shall also include the following information:

16 a. Agreement Number C-1-2628

17 b. The total of PROJECT expenditures shall specify the percent and amount of
18 TDA funds to be reimbursed which shall not exceed 32.145% of the total eligible expenditures.
19 Support documentation must be submitted to AUTHORITY for all expenses invoiced.

20 c. Adequate detail describing all work completed.

21 d. Such other information as requested by AUTHORITY in accordance with
22 Exhibit D.

23 D. Eligible Project costs are described in the TDA Guidelines available at
24 <http://www.dot.ca.gov/hq/MassTrans/State-TDA.html>.

25 E. CITY should consult with AUTHORITY's Project Manager for questions regarding
26 non-reimbursable expenses.

1 F. Total payments shall not exceed the Funding Amount specified in ARTICLE 3,
2 paragraph G, above.

3 G. CITY shall submit final invoice no later than ninety (90) days after final acceptance of
4 project, in accordance with Exhibit E, titled "Transportation Development Act: Final Project Form."

5 H. If any amounts paid to CITY are disallowed as not eligible for TDA funding for any
6 reason, CITY shall be allowed to provide documentation for other allowable, reimbursement costs or
7 shall remit to AUTHORITY the disallowed or non-reimbursed amount(s) within thirty (30) days from
8 receipt of AUTHORITY invoice.

9 **ARTICLE 6. DELEGATED AUTHORITY**

10 The actions required to be taken by CITY in the implementation of this Agreement are
11 delegated to its Mayor, or designee, and the actions required to be taken by AUTHORITY in the
12 implementation of this Agreement are delegated to AUTHORITY's Chief Executive Officer, or
13 designee.

14 **ARTICLE 7. AUDIT AND INSPECTION**

15 AUTHORITY and CITY shall maintain a complete set of records in accordance with generally
16 accepted accounting principles. Upon reasonable notice, CITY shall permit the authorized
17 representatives of AUTHORITY to inspect and audit all work, materials, payroll, books, accounts,
18 and other data and records of CITY for a period of four (4) years after final payment, or until any on-
19 going audit is completed. For purposes of audit, the date of completion of this Agreement shall be
20 the date of Caltran's payment of CITY's final billing under this Agreement. AUTHORITY shall have
21 the right to reproduce any such books, records, and accounts. The above provision with respect to
22 audits shall extend to and/or be included in construction contracts with CITY's contractor.

23 **ARTICLE 8. INDEMNIFICATION**

24 A. CITY shall indemnify, defend and hold harmless AUTHORITY, its officers, directors,
25 employees and agents from and against any and all claims (including attorney's fees and reasonable
26 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death,

1 worker's compensation subrogation claims, damage to or loss of use of property alleged to be
2 caused by the negligent acts, omissions or willful misconduct by CITY, its officers, directors,
3 employees or agents in connection with or arising out of the performance of this Agreement.

4 B. AUTHORITY shall indemnify, defend and hold harmless CITY, its officers, directors,
5 employees and agents from and against any and all claims (including attorney's fees and reasonable
6 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death,
7 worker's compensation subrogation claims, damage to or loss of use of property alleged to be
8 caused by the negligent acts, omissions or willful misconduct by AUTHORITY, its officers, directors,
9 employees or agents in connection with or arising out of the performance of this Agreement.

10 C. The indemnification and defense obligations of this Agreement shall survive its
11 expiration or termination.

12 **ARTICLE 9. ADDITIONAL PROVISIONS**

13 AUTHORITY and CITY agree to the following mutual responsibilities:

14 A. Term of Agreement: This Agreement shall continue in full force and effect through
15 project completion and final acceptance by AUTHORITY, or 42 months from the date of CTC
16 allocation, whichever is earlier. This Agreement may be extended at the mutual consent of both
17 parties.

18 B. Termination: This agreement is null and void if PROJECT is not funded. AUTHORITY
19 shall cancel PROJECT if CITY has not submitted an E-76 and allocation request by February 1, 2012,
20 or has not advanced the project to ready-to-list stage as determined through Caltrans guidelines. This
21 Agreement may be terminated by either party after giving thirty (30) days written notice. This
22 Agreement shall not be terminated without mutual agreement of both parties.

23 C. This Agreement may be amended in writing at any time by the mutual consent of both
24 parties. No amendment shall have any force or effect unless executed in writing by both parties.

25 D. AUTHORITY and CITY shall comply with all applicable federal, state, and local
26 laws, statues, ordinances and regulations of any governmental authority having jurisdiction over the

1 PROJECT.

2 E. Legal Authority: AUTHORITY and CITY hereto consent that they are authorized to
3 execute this Agreement on behalf of said parties and that, by so executing this agreement, the
4 parties hereto are formally bound to the provisions of this Agreement.

5 F. Severability: If any term, provision, covenant or condition of this Agreement is held to
6 be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the
7 remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or
8 condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

9 G. Counterparts of Agreement: This Agreement may be executed and delivered in any
10 number of counterparts, each of which, when executed and delivered shall be deemed an original
11 and all of which together shall constitute the same agreement. Facsimile signatures will be
12 permitted.

13 H. Force Majeure: Either Party shall be excused from performing its obligations under this
14 Agreement during the time and to the extent that it is prevented from performing by an unforeseeable
15 cause beyond its control, including but not limited to; any incidence of fire, flood; acts of God;
16 commandeering of material, products, plants or facilities by the federal, state or local government;
17 national fuel shortage; or a material act or omission by the other party; when satisfactory evidence of
18 such cause is presented to the other Party, and provided further that such nonperformance is
19 unforeseeable, beyond the control and is not due to the fault or negligence of the Party not performing.

20 I. Assignment: Neither this Agreement, nor any of the PARTIES rights, obligations, duties,
21 or authority hereunder may be assigned in whole or in part by either Party without the prior written
22 consent of the other Party in its sole and absolute discretion. Any such attempt of assignment shall be
23 deemed void and of no force and effect. Consent to one assignment shall not be deemed consent to
24 any subsequent assignment, nor the waiver of any right to consent to such subsequent assignment.

25 J. Obligations To Comply with Law: Nothing herein shall be deemed nor construed to
26 authorize or require any Party to issue bonds, notes or other evidences of indebtedness under the

1 terms, in amounts, or for purposes other than as authorized by local, state or federal law.

2 K. Governing Law: The laws of the State of California and applicable local and federal
3 laws, regulations and guidelines shall govern this Agreement.

4 L. Litigation fees: Should litigation arise out of this Agreement for the performance thereof,
5 the court shall award costs and expenses, including attorney's fees, to the prevailing party.

6 M. Notices: Any notices, requests, or demands made between the parties pursuant to this
7 Agreement are to be directed as follows:

To AGENCY:	To AUTHORITY:
City of Laguna Woods	Orange County Transportation Authority
24264 El Toro Road Laguna Woods, CA 92637	550 South Main Street P. O. Box 14184 Orange, CA 92863-1584
Attention: Dennis Nelson City Engineer Tel: 949-289-3741 Email: dnelson@ddn-pe.com	Attention: Ms. Reem Hashem Principal Contract Administrator 714-560-5446 Email: rhashem@octa.net Cc: Ben Ku, Senior Transportation Funding Analyst

20 /
21 /
22 /
23 /
24 /
25 /
26 /

This Agreement shall be effective upon execution by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-1-2628 to be executed on the date first above written.

CITY OF LAGUNA WOODS

ORANGE COUNTY TRANSPORTATION AUTHORITY

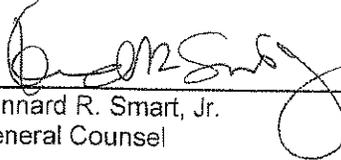
By: _____
Bert Hack, J.D.
Mayor

By: _____
Will Kempton
Chief Executive Officer

ATTEST:

APPROVED AS TO FORM:

By: _____
Yolie Trippy
Deputy City Clerk

By:  _____
Kennard R. Smart, Jr.
General Counsel

APPROVED AS TO FORM:

APPROVAL RECOMMENDED:

By: _____
City Attorney

By: _____
Kia Mortazavi
Executive Director, Planning

Dated: _____

Dated: _____

Handwritten initials

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EXHIBIT A: TE FUNDING PLAN

Project Title: El Toro Road/Aliso Creek Road Phase II Bicycle and Pedestrian Enhancement Project

Agency: Laguna Woods Date: 9/16/11

Schedule	Completion Date
Draft Environmental Document	Nov. 2010
Final Environmental Document	July 2011
Begin Design Engineering	Dec. 2010
Plans, Specifications, and Cost Estimates complete	Oct. 2011
Start Right-of-Way Acquisition	N/A
Right-of-Way Certification	Jan. 2012
Submit Request for Authorization for Const (E-76)	Aug. 2011
Ready to Advertise	Jan. 2012
Award Construction	Feb. 2012
Project Completion (open for use)	Aug. 2012

Funding: TE: \$500,000 (45.764%); TDA: \$351,195 (32.144%); Local \$241,361 (22.092%)

Preliminary Engineering (\$000's)

Fund Source	Fiscal Year	Original Planned Allocation

Right-of-Way (\$000's)

Fund Source	Fiscal Year	Original Planned Allocation

Construction (\$000's)

Fund Source	Fiscal Year	Original Planned Allocation
STIP-TE	2011-12	\$500
TDA	2008-09	\$351
City Funds	2011-12	\$242

Name/Title: Dennis D. Nelson, City Engineer

Signature: _____ Date: _____

Phone: (949) 289-3741

Email: dnelson@ddn-pe.com



EXHIBIT B: TE SEMI ANNUAL REPORT

Project Title: _____
 Agency: _____ Date: _____

Schedule	Original Completion Date	Current Completion Date
Draft Environmental Document		
Final Environmental Document		
Begin Design Engineering		
Plans, Specifications, and Cost Estimates complete		
Right-of-Way Certification		
Submit Request for Authorization for Const (E-76)		
Ready to Advertise		
Award Construction		
Project Completion (open for use)		

Funding Table:

Construction (\$000's)

Fund Source	Fiscal Year	Original Planned Allocation	Revised Allocation	Actual Expended	Remaining Allocation

Major Activities: _____

Status: _____

Issues:

Name/Title:

Signature:

Phone:

Email: _____



EXHIBIT C: TE FINAL PROJECT REPORT FORM

Date _____

Instructions

The responsible agency should fill out the following: 1) Final Project Form, 2) Final Cost, 3) Certificate of Completion. Page 4, the OCTA Staff Verification will be filled out by OCTA staff. In addition, the agency must attach before (if available) and after **photographs** of the project site and the address or location of the site under the Location and Scope of work section.

Agency

Project

Location and Scope of Work

Verification of Match
(Actual Expenditures)

Phase	Local Match			TE Grant	Other OCTA Funding	Total	Match Rate
	(ENTER SOURCE)	(ENTER SOURCE)	(ENTER SOURCE)				
Engineering	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0%
Right-of-Way	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

Project Schedule

Phase	Proposed	Actual
Draft Environmental Document		
Final Environmental Document		
Begin Design Engineering		
Plans, Specifications, and Cost Estimates complete		
Right-of-Way Certification		
Ready to Advertise		
Award Construction		
Project Completion (open for use)		



TE: Final Cost

Item #	Description	Unit	Quantity	Unit Price	Amount
				\$ -	\$ -



TE: FINAL COST

I hereby certify that the statements provided here are true and correct.

Project Title

	Yes	No	N/A
1 The project is designed to city/county and other participating jurisdictions' standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The project contract was awarded on: <input type="text" value="ENTER DATE"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The total cost of the contract is equal to or less than the total TE funds awarded and matching funds provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The city/county provided matching funds to the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Right-of-way was acquired in conformance with city/county procedures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 All required environmental documentation is complete and certified.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 An updated project schedule is included with the final invoice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 The final invoice is attached with all the necessary documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Name

Title

Signature

Date



TE: OCTA Staff Verification

OCTA STAFF USE ONLY

Orange County Transportation Authority staff has inspected the project site and certifies that the project is complete.

Project Title

Name

Title

Signature

Date

OCTA TDA Reimbursement Procedures

Below are the procedures and timeline in which Reimbursements for the TDA program will be processed.

1. The local agency must submit a request for payment. Only one request is allowed per quarter (max).

- Progress and final payment requests are to be submitted to OCTA Planning Department (see below).
- Payments to local agencies are based on actual expenditures.
- Local agencies must provide the following:
 - Invoice
 - Supporting documentation
 - Vendor/Contract Invoices
 - Cancelled Checks
 - Purchase Orders
 - Project description and scope
 - Council action (award of contract)
 - Cost estimate
 - Project expenditures certification
 - Certificate of completion (Final Payment requirement)
 - Match requirement verification

2. OCTA Planning Department approves the payment request and forwards it to the County Auditor/Controller for processing.

3. Reimbursements will come from the County directly to the local agency.

4. In reference to TDA Guidelines, local agencies must retain project records for a minimum of period of five years from the date of final payment.

If you have any questions regarding the TDA funding program, please contact Matt McConnell at (714) 560-5008 or via e-mail at MMcConnell@octa.net.

Please mail all requested items to:

Matthew McConnell
Planning Division
Orange County Transportation Authority
600 S. Main St.
Orange, CA 92863-1584



Transportation Development Act: Final Project Form

Date _____

Instructions

The responsible agency should fill out the following: 1) Final Project Form, 2) Final Cost, 3) Certificate of Completion. Page 4, the OCTA Staff Verification will be filled out by OCTA staff. In addition, the agency must attach before (if available) and after **photographs** of the project site and the address or location of the site under the Location and Scope of work section.

Agency

Project

Location and Scope of Work

Verification of Match
(Actual Expenditures)

Phase	Local Match			TDA Grant	Other OCTA Funding	Total	Match Rate
	(ENTER SOURCE)	(ENTER SOURCE)	(ENTER SOURCE)				
Engineering	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0%
Right-of-Way	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

Project Schedule

Phase	Proposed	Actual
Draft Environmental Document		
Final Environmental Document		
Begin Design Engineering		
Plans, Specifications, and Cost Estimates complete		
Start Right-of-Way Acquisition		
Right-of-Way Certification		
Ready to Advertise		
Award Construction		
Project Completion (open for use)		



Transportation Development Act: Final Cost

Item #	Description	Unit	Quantity	Unit Price	Amount
				\$	-
				\$	-



Transportation Development Act: Certificate of Completion

I hereby certify that the statements provided here are true and correct.

Project Title

	Yes	No	N/A
1 The project is designed to city/county and other participating jurisdictions' standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The project contract was awarded on: <input type="text" value="ENTER DATE"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The total cost of the contract is equal to or less than the total Transportation Development Act (TDA) funds awarded and matching funds provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The city/county provided matching funds to the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Right-of-way was acquired in conformance with city/county procedures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 All required environmental documentation is complete and certified.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 An updated project schedule is included with the final invoice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 The final invoice is attached with all the necessary documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Name

Title

Signature

Date

6.12
MEASURE M2 EXPENDITURE REPORT

RESOLUTION NO. 11-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LAGUNA WOODS

WHEREAS, Local Transportation Authority Ordinance No. 3 requires local jurisdictions to adopt an annual Expenditure Report to account for Net Revenues, developer/traffic impact fees, and funds expended by local jurisdiction which satisfy the Maintenance of Effort requirements; and

WHEREAS, the Expenditure Report shall include all Net Revenue fund balances, interest earned and expenditures identified by type and program or project; and

WHEREAS, the Expenditure Report must be adopted and submitted to the Orange County Transportation Authority each year within six months of the end of the local jurisdiction's fiscal year to be eligible to receive Net Revenues as part of Measure M2.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF LAGUNA WOODS, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

The City of Laguna Woods hereby informs the OCTA that:

Section 1. The M2 Expenditure Report (attached as Exhibit A) is in conformance with the M2 Expenditure Report Template provided in the Renewed Measure M Eligibility Guidelines and accounts for Net Revenues, including interest earned, expenditures during the fiscal year and balances at the end of the fiscal year.

Section 2. The M2 Expenditure Report is hereby adopted for the City of Laguna Woods.

ITEM 6.12

PASSED, APPROVED AND ADOPTED on this ____ day of December 2011.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

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

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

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

YOLIE TRIPPY, Deputy City Clerk

**M2 Expenditure Report
Fiscal Year Ended June 30, 2011
Beginning and Ending Balances**

Description	Line No.	Amount
Balances at Beginning of Fiscal Year		
M2 Fairshare	1	\$ -
M2 Fairshare Interest	2	\$ -
M2 CTFP	3	\$ -
M2 CTFP Interest	4	\$ -
Other M2 Funding	5	\$ -
Other M2 Interest	6	\$ -
Other*	7	\$ -
Balances at Beginning of Fiscal Year (Sum Lines 1 to 7)	8	\$ -
Monies Made Available During Fiscal Year	9	\$ 38,097
Total Monies Available (Sum Lines 8 & 9)	10	\$ 38,097
Expenditures During Fiscal Year	11	\$ -
Balances at End of Fiscal Year		
M2 Fairshare	12	\$ 38,097
M2 Fairshare Interest	13	\$ -
M2 CTFP	14	\$ -
M2 CTFP Interest	15	\$ -
Other M2 Funding	16	\$ -
Other M2 Interest	17	\$ -
Other*	18	\$ -

* Please provide a specific description

CTFP - Combined Transportation Funding Program

M2 Expenditure Report
Fiscal Year Ended June 30, 2011
Sources and Uses

Description	Line No.	Amount
Revenues:		
M2 Fairshare	1	\$ 38,097
M2 Fairshare Interest	2	\$ -
M2 CTFP	3	
M2 CTFP Interest	4	
Other M2 Funding	5	
Other M2 Interest	6	
Other*	7	
TOTAL REVENUES (Sum lines 1 to 7)	8	\$ 38,097
Expenditures:		
M2 Fairshare	9	\$ -
M2 Fairshare Interest	10	
M2 CTFP	11	
M2 CTFP Interest	12	
Other M2 Funding	13	
Other M2 Interest	14	
Other*	15	
TOTAL EXPENDITURES (Sum lines 9 to 15)	16	\$ -
TOTAL BALANCE (Subtract line 16 from 8)	17	\$ 38,097

* Please provide a specific description

M2 Expenditure Report
 Fiscal Year Ended June 30, 2011
 Streets and Roads Detailed Use of Funds

Type of Expenditure	Line No.	*MOE	+ Developer / Impact Fees	M2 Fairshare	M2 Fairshare Interest	M2 CTFP	M2 CTFP Interest	Other M2	Other M2 Interest	Other	TOTAL
Agency Staff & Administration	1										\$ -
Construction & Right-of-Way	2										\$ -
New Street Construction	3										\$ -
Street Reconstruction	4										\$ -
Signals, Safety Devices, & Street Lights	5										\$ -
Pedestrian Ways & Bikepaths	6										\$ -
Storm Drains	7										\$ -
Storm Damage	8										\$ -
Total Construction	9										\$ -
Right of Way Acquisition	10										\$ -
Total Construction & Right-of-Way	11										\$ -
Maintenance	12										\$ -
Patching	13										\$ -
Overlay & Sealing	14										\$ -
Street Lights & Traffic Signals	15										\$ -
Storm Damage	16										\$ -
Other Street Purpose Maintenance	17										\$ -
Total Maintenance	18	\$ 77,769	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 77,769
Other	19	\$ 77,769	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 77,769
GRAND TOTALS (Sum Lines 1, 10, 16, 17)		\$ 77,769	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 77,769

* Local funds used to satisfy maintenance of effort (MOE) requirements

+ Transportation related only

I certify that all the information attached herein is true and accurate to the best of my knowledge:



Ernestine Jones
Finance Manager

8.1
FUEL STORAGE AT SAN ONOFRE
NUCLEAR GENERATING STATION
(No Report)

9.1
RED LIGHT PHOTO ENFORCEMENT
PROGRAM

**City of Laguna Woods
Agenda Report**

DATE: December 7, 2011 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager 
AGENDA ITEM: Red Light Photo Enforcement Program

Recommendation

Approve a third amendment to the agreement between the City of Laguna Woods and Redflex Traffic Systems, Inc. for automated red light photo enforcement systems; and authorize the City Manager to execute the amendment, subject to approval as to form by the City Attorney.

Background

In 2005, the City Council approved an agreement with Redflex Traffic Systems, Inc. for red light photo enforcement at the intersections of El Toro Road/Moulton Parkway and Laguna Woods Village Gate 12/Moulton Parkway. Amendments to the agreement, including term extensions, were approved in 2010 and 2011. The agreement will end on December 31, 2011 unless extended by the City.

Discussion

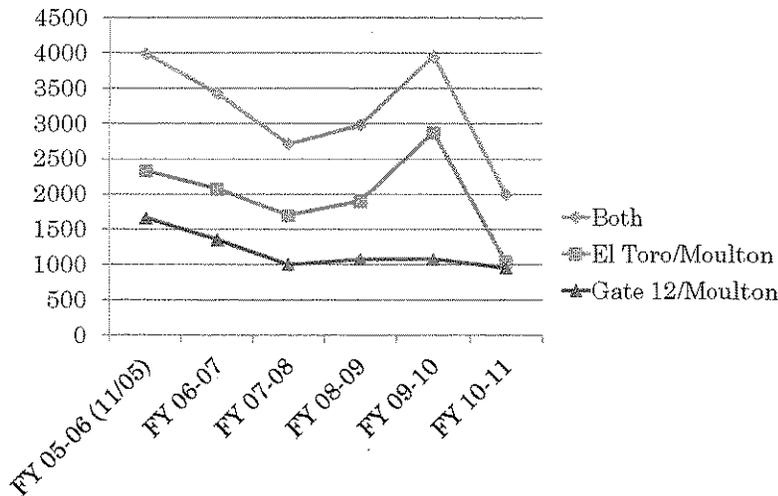
Citations Issued

The red light photo enforcement program has averaged 3,180 citations each fiscal year since the first citation was issued in November 2005, ranging from a low of 2,001 in Fiscal Year 2010-11 to a high of 3,997 in Fiscal Year 2005-06. Of those, approximately 63% are issued for the El Toro Road/Moulton Parkway intersection and 37% are issued for the Village Gate 12/Moulton Parkway intersection.

In the first year of the program, nearly 4,000 citations were issued, after which the total number of citations at both intersections gradually declined before reaching a low of 2,711 in Fiscal Year 2007-08. Citations then rose to match the first year's total of just under 4,000 in Fiscal Year 2009-10. In the most recent fiscal year, the

total number of citations has dramatically decreased as a result of significant camera downtime caused by the Moulton Smart Street construction.

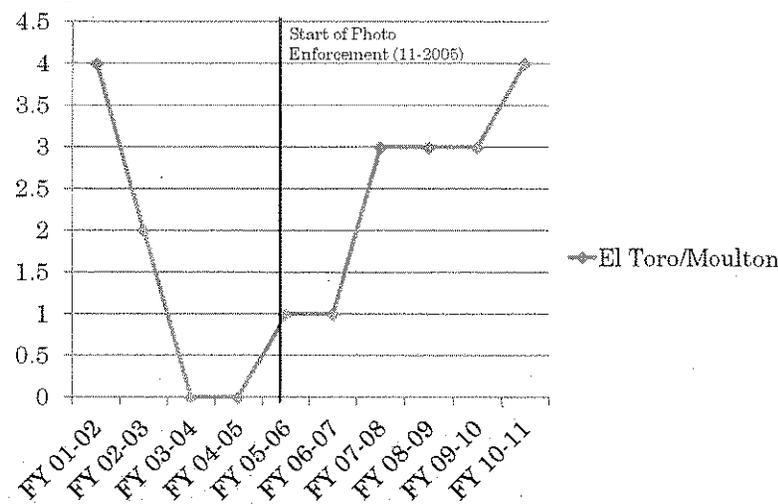
Graph 1: Citations Issued

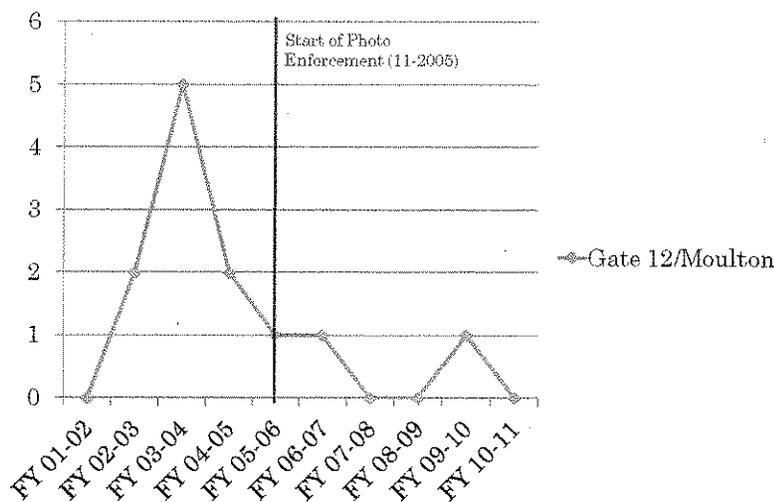


Collisions

In the past 10 fiscal years, the number of collisions related to signal violations at the two photo enforced intersections has fluctuated slightly but not changed in any significant manner. The El Toro Road/Moulton Parkway intersection averages 2.1 signal violation-related collisions per year, with a high of four collisions per year. The Laguna Woods Village Gate 12/Moulton Parkway intersection averages 1.2 signal violation-related collisions per year, with a high of five collisions per year.

Graph 2: El Toro/Moulton Collisions



Graph 3: Gate 12/Moulton Collisions

Effect on Rear End Collisions

Opponents of red light photo enforcement programs often cite an alleged increase in rear end collisions as a consequence of the use of cameras. There has been no increase in the number of rear end collisions at either intersection.

Alternative Enforcement Methods

The Orange County Sheriff's Department is unable to provide a comparable level of enforcement to the red light photo enforcement program due to the size and structure of the intersections. A motorcycle deputy could provide limited amounts of enforcement; however photo enforcement remains the most effective method of enforcing red light violations at both intersections.

If the program ends, the City's full-time traffic deputy would spend the time that she currently spends on the red light photo enforcement program (approximately 20 hours per week) in the field providing front-line traffic enforcement. City staff that provides program support would be assigned to other projects.

The City Council could take the following actions concerning the future of the red light photo enforcement program:

1. Take no action and allow the current agreement to end on December 31, 2011; or
2. Extend the agreement for an additional term under new conditions.

Staff is recommending that the City Council approve an amendment to the existing agreement that would reduce the cost of the program and extend the term for 18

months with the option of one additional 12 month extension. The City Council would have the ability to terminate the agreement, without cause, with 45-days notice on or any time after July 1, 2012. The proposed amendment would also clarify when the City receives credits for camera downtime. A copy of the proposed amendment, including all proposed modifications, is attached.

Fiscal Impact

The City's existing agreement with Redflex includes a monthly fee of \$4,000 for each of the five red light photo enforced approaches (\$20,000 per month). Redflex is proposing to lower the monthly fee to \$3,000 per approach (a savings of \$5,000 per month or \$60,000 per year), which includes the capture and processing of all red light violations, including right turn violations, within range of the cameras.

Table 1: Monthly Fees

Intersection	Number of Approaches	Current Monthly Cost per Intersection	Proposed Monthly Cost per Intersection
El Toro/Moulton	3	\$12,000	\$9,000
Gate 12/Moulton	2	\$8,000	\$6,000
Total	5	\$20,000	\$15,000

The red light photo enforcement program is a time intensive operation that requires a dedicated traffic deputy to issue citations and appear in court. Unlike the majority of cities in California, an attorney is also required to appear on behalf of the City. Repeated legal challenges have increased the cost of legal services in recent years and are expected to continue. City staff time is required to manage the agreement with Redflex and respond to public records/discovery requests. On occasion, staff is also required to testify in court as to initial camera procedures.

Expenditures related to the red light photo enforcement program have historically been offset by California Vehicle Code Fines and State Supplemental Law Enforcement Services Funding (SLESF). Based on first quarter revenue, staff anticipates a 7% reduction in California Vehicle Code Fine revenue as compared to the amount budgeted at the beginning of the fiscal year. SLESF funding was not included in the State budget at the time of the City's budget adoption; however legislative developments have resulted in the resumption of normal funding, which amounts to \$100,000 per year. Senate Bill 89, which restored SLESF funding, also

eliminated the City's share of Vehicle License Fee (VLF) revenue which was budgeted at \$42,850. The net result is \$57,150 in unanticipated revenue for the current fiscal year. That amount is still a net loss compared to previous fiscal years when the City received both SLESF and VLF.

With the reduction in Redflex's monthly fees, the City's expenditures would be reduced by \$30,000 for the second half of the current fiscal year and \$60,000 for subsequent fiscal years beginning in Fiscal Year 2012-13. As a result, the red light photo enforcement program would transition from losing money to breaking even or generating some revenue.

Advisory Committee Action

At their meeting on October 12, 2011, the Public Safety Committee unanimously voted to recommend that the City Council approve an amendment to the agreement with Redflex Traffic Systems, Inc. which would lower the monthly fee to \$3,000 per approach beginning on January 1, 2012; clarify the circumstances for which credits are due to the City as a result of camera downtime; add a 45-day "no cause" termination clause beginning on July 1, 2012; and, extend the term for 18 months through June 30, 2013 with one additional, optional 12 month extension.

Conclusion

The red light photo enforcement program allows the City to provide a level of traffic enforcement at the El Toro Road/Moulton Parkway and Laguna Woods Village Gate 12/Moulton Parkway intersections that would otherwise not be possible. The proposed amendment to the agreement with Redflex Traffic Systems, Inc. would reduce the cost of the program and provide the City Council with the ability to terminate the agreement in the future without financial penalty.

Report prepared by: Christopher Macon, Director of Public Safety 

Attachment: Proposed Third Amendment

**THIRD AMENDMENT TO THE AGREEMENT BETWEEN
THE CITY OF LAGUNA WOODS AND REDFLEX TRAFFIC SYSTEMS, INC.
FOR AUTOMATED RED LIGHT PHOTO ENFORCMENT SYSTEMS**

This Third Amendment ("Third Amendment") to the Agreement for Red Light Photo Enforcement Program ("Agreement") dated July 11, 2005, shall become effective as of January 1, 2012.

RECITALS

WHEREAS, Redflex has exclusive knowledge, possession and ownership of certain equipment, licenses, applications, and citation processes related to digital photo red light enforcement systems; and

WHEREAS, the City desires to continue to engage the services of Redflex to provide certain equipment, processes and back office services so that authorized staff of the City are able to monitor, identify and enforce red light running violations; and

WHEREAS, it is a mutual objective of both Redflex and the City to reduce the incidence of vehicle collisions at the traffic intersections and city streets that will continue to be monitored pursuant to the terms of the Agreement as expressly modified herein; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for other valuable consideration received, the receipt and sufficiency of which are hereby acknowledged, the Parties amend the Agreement as follows:

AMENDED TERMS AND CONDITIONS

1. Extension of Term. The term of the Agreement shall be extended for an additional eighteen (18) months through June 30, 2013. The City shall have the right, but not the obligation, to extend the term of this Agreement for up to one (1) additional twelve (12) month period following the expiration of the Initial Term (a "Renewal Term" and collectively with the Initial Term, the "Term"). The City may exercise the right to extend this Agreement for a Renewal Term by providing written notice to Redflex not less than thirty (30) days prior to the last day of the Initial Term.

2. Paragraph 6. Termination, shall be amended as follows:

6.1.1. Termination for Convenience. The Customer shall have the right to terminate this Agreement on or any time after July 1, 2012, provided that Customer has provided no less than forty five (45) days written notice prior to the termination date. Such Termination for Convenience may be with or without cause in Customer's sole discretion. Such Termination for Convenience shall be without penalty to the Customer, or any liability whatsoever, except both parties shall comply with the provisions of Paragraph 6.2, Procedures Upon Termination, and Paragraph 6.3, Survival."

3. Paragraph 5 to Exhibit "C" is stricken in its entirety.

4. Exhibit "D" - "Compensation & Pricing" of the Agreement is replaced in its entirety with the attached revised Exhibit "D", which includes no change to the services provided by Redflex.

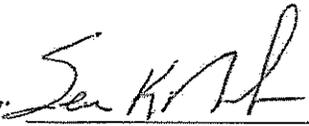
5. All other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Third Amendment as set forth below.

CITY OF LAGUNA WOODS

REFLEX TRAFFIC SYSTEMS, INC.:

By: _____
Leslie A. Keane Date
City Manager

By:  11-22-11

Karen Finley, Sean Allen Date
President and CEO CFD

ATTEST:

By: _____
Yolie Trippy Date
Deputy City Clerk

APPROVED AS TO FORM:

By: _____
David B. Cosgrove Date
City Attorney

EXHIBIT D
Compensation and Pricing

1. Redflex shall provide City with continued full turnkey automated red light photo enforcement system, to include the capture and processing of all red light violations, including right turn violations, within range of the cameras at the following five intersection approaches:
 - a. El Toro Road Westbound at Moulton Parkway
 - b. El Toro Road Eastbound at Moulton Parkway
 - c. Moulton Parkway Southbound at El Toro Road
 - d. Moulton Parkway Southbound at Gate 12
 - e. Moulton Parkway Northbound at Gate 12

2. Regardless of the number of citations that may be issued, or the outcome of same in terms of convictions, penalties, or revenues which may be received by or allocable to City, effective 1 January 2012, compensation shall be in the form of a fixed fee of \$3,000.00 per month per intersection approach, continuing until contract expiration or termination, in accordance with the provisions as set forth herein. Redflex shall invoice the City monthly as of the last date of the month. City shall have 90 days to pay such invoices.

3. In the event that a system is disabled for equipment failure or malfunction for more than 24 hours, the monthly fee for that system will be reduced to the number of days operational and a prorated fee will apply for that system. However, in the instance of a system disabled for more than 48 hours due to a knockdown, the monthly fee will be prorated after 48 hours. If a system is disabled during a weekend, the monthly fee will be prorated after 48 hours.”

4. Redflex Construction will be able to utilize existing conduit for installation where space is available. Where it is determined by both parties that additional conduit is necessary, the cost shall be borne by Redflex; however, the City shall provide the necessary encroachment permits at no cost.

9.2
FIRE HAZARD SEVERITY ZONES

**City of Laguna Woods
Agenda Report**

FOR: December 7, 2011 City Council Meeting
TO: Honorable Mayor and Council Members
FROM: Leslie A. Keane, City Manager 
AGENDA ITEM: Fire Hazard Severity Zones

Recommendation

Approve introduction and first reading of ordinance establishing fire hazard severity zones in the City, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA ADDING CHAPTER 10.13, FIRE HAZARD SEVERITY
ZONES, TO THE LAGUNA WOODS MUNICIPAL CODE

Background

The state has declared that the prevention of fires is not a municipal affair, but instead a matter of statewide concern. Govt. Code 51175-89 directs the California Department of Forestry and Fire Protection (CAL FIRE) to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as Fire Hazard Severity Zones (FHSZ), define the application of various mitigation strategies to reduce risk associated with wildland fires.

In September 2005, the California Building Standards Commission approved a new Chapter – 7 A – of the California Building Code. This chapter, titled Materials and Construction Methods for Exterior Wildfire Exposure, was included in the City's recent building code modifications; it establishes building materials, systems and/or assemblies which must be included in the exterior design and construction of new buildings located within very high fire hazard severity zones. Building standards include 1) non-combustible material used for the construction of the underside of exterior eaves, decks and stairways attached to buildings; 2) minimum requirements for

ITEM 9.2

ventilation openings for attics to resist the intrusion of burning embers and to further reduce fire risk; and 4) vegetation management requirements.

Discussion

Since its incorporation date fell after the last state mapping effort, the City of Laguna Woods has not adopted fire severity maps, although areas in the City would have been included in prior County maps.

Fire hazard zones are classified as very high, high and moderate. State law requires that the City formally adopt, by ordinance, a very high fire hazard severity zone map within 120 days of receiving a recommendation from CAL FIRE. The proposed ordinance would recognize a very high hazard zone in the general vicinity of Village Gates 9 and 10. Once adopted, applicable construction standards for new development would be triggered. Property owners are also charged with maintaining property adjacent to occupied dwellings in a manner that reduces potential for combustion. Any transfer of ownership of real property located within a very high hazard severity zone would need to be disclosed by the transfer to potential transferees.

Although state law requires that local agencies adopt the very high hazard zone map for their jurisdiction, the City is not prohibited from adopting additional fire hazard zones and/or regulations which are more stringent than those prescribed in state law. The proposed ordinance attached to this staff report would trigger construction standards only for new construction and renovations which are 75% or more of an existing structure in the very high hazard area. Staff believes that the City should also consider applying some of those standards to less significant renovations in the very high zone, and to both new construction and renovations in the moderate and high hazard zones. To meet the 120 day requirement, however, staff has drafted an ordinance that maps only the very high hazard area. At the public hearing, staff will provide additional suggestions for high and moderate hazard areas which may be adopted by the City Council in a separate ordinance.

The addition of fire hazard maps to the City's municipal code requires a public hearing, which has been scheduled for January 18, 2012. The hearing notice has been worded to allow for discussion on the currently proposed ordinance as well as discussion of other fire hazard zones and restrictions.

Fiscal Impact:

ITEM 9.2

The City collects building permit fees that cover the majority of its costs. It is not anticipated that adoption of the proposed ordinance will have any negative fiscal impact on the City.

Conclusion:

Introduction and approval of first reading of the attached ordinances will allow the City to meet the state timeframes for new fire hazard zone maps. Additional restrictions can be discussed and considered by Council in separate action(s) following the public hearing.

Prepared by: Gary Gates, Building Official

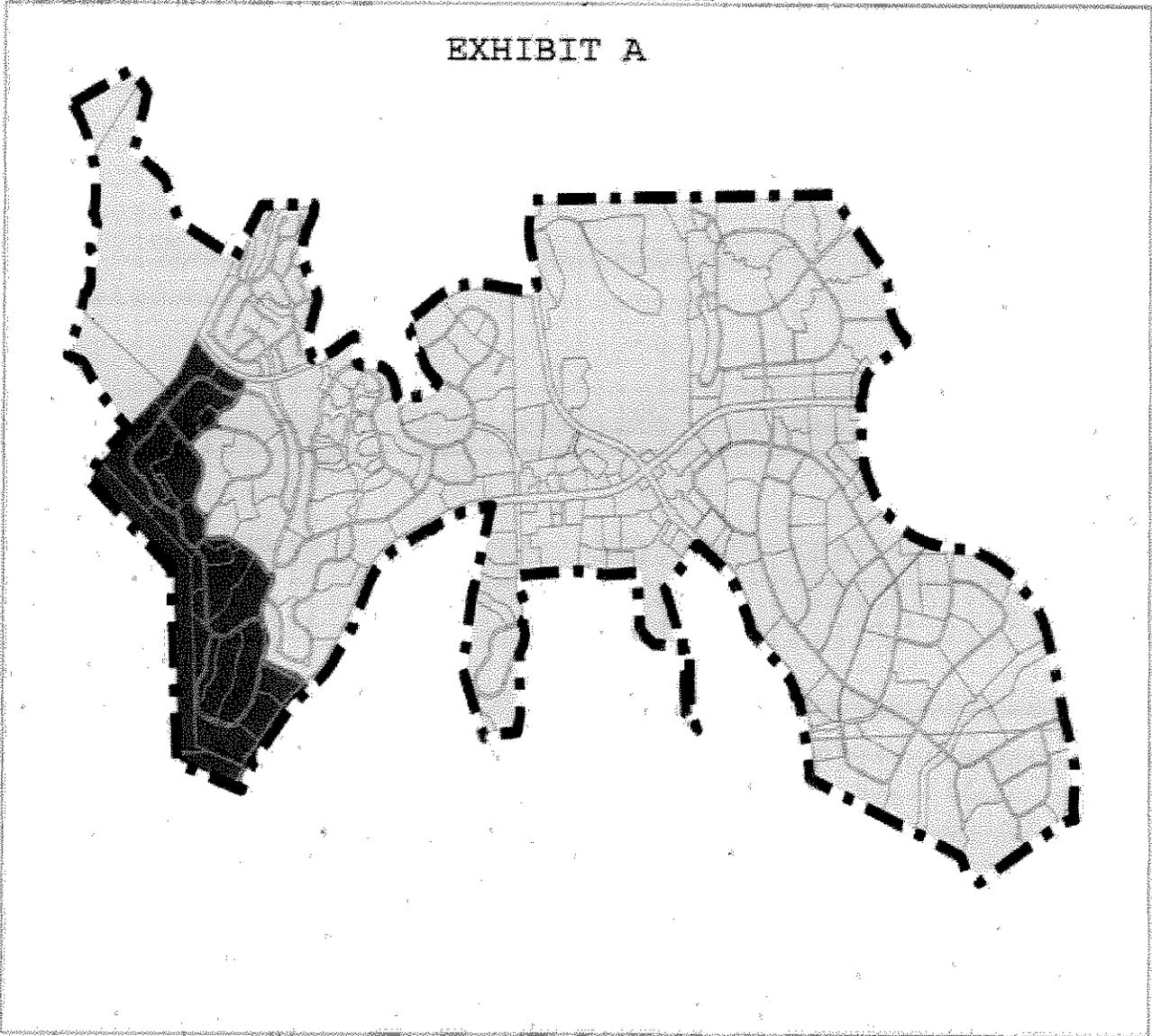


Attached: Exhibit A (Map)
Ordinance



Very High Fire Hazard Severity Zones in LRA
As Recommended by CAL FIRE

EXHIBIT A



Map Information	
Map No.	001-00000000
Scale	1" = 1000'
Author	00000000
Date	00000000

Legend

Very High Fire Hazard Severity Zone

High Fire Hazard Severity Zone

Medium Fire Hazard Severity Zone

Low Fire Hazard Severity Zone

Unshaded

This map was prepared using data provided by the local agency. The local agency is responsible for the accuracy of the data. The map is for informational purposes only and does not constitute a warranty or guarantee of any kind.

Scale: 1" = 1000'

North Arrow

ORDINANCE NO. 12-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
ADDING CHAPTER 10.13, FIRE HAZARD SEVERITY ZONES, TO THE
LAGUNA WOODS MUNICIPAL CODE

WHEREAS, California Government Code Section 51175, Subdivision (a) states that 1) fires are extremely costly, not only to property owners and residents, but also to local agencies; 2) fires pose a serious threat to the preservation of public peace, health and safety; 3) it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring raging fires under control; and 4) preventative measures are needed to ensure the preservation of the public peace, health and safety; and

WHEREAS, pursuant to Government Code Section 51181, the Director of the California Department of Forestry and Fire Protection is charged with periodically reviewing the areas in the State identified as Very High Fire Hazard Severity Zones and making related recommendations; and

WHEREAS, pursuant to Government Code Section 51179, the Director of the California Department of Forestry and Fire Protection has published a new map dated October 2011 recommending that areas within the City be designated as Very High Fire Hazard Severity Zones; and

WHEREAS, the development of the new map relied upon the use of current scientific methods which assessed vegetation, slope, fire history, weather patterns, and the impact of flames, heat, and flying fire embers; and

WHEREAS, the Orange County Fire Authority, as the fire service agency for the City, has reviewed the new map and believes that it accurately represents the Very High Fire Hazard Severity Zones within the City; and

WHEREAS, Government Code Section 51179, Subdivision (a) requires the City to designate by ordinance Very High Fire Hazard Severity Zones in its jurisdiction within 120 days after receiving the recommendations from the Director of the California Department of Forestry and Fire Protection.

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

SECTION 1. Findings

The City Council hereby incorporates the foregoing recitals and findings.

SECTION 2. Adoption of Regulations

Chapter 10.13 (Fire Hazard Severity Zones) is hereby added to Title 10 (Buildings and Construction) of the Laguna Woods Municipal Code as follows:

CHAPTER 10.13. FIRE HAZARD SEVERITY ZONES

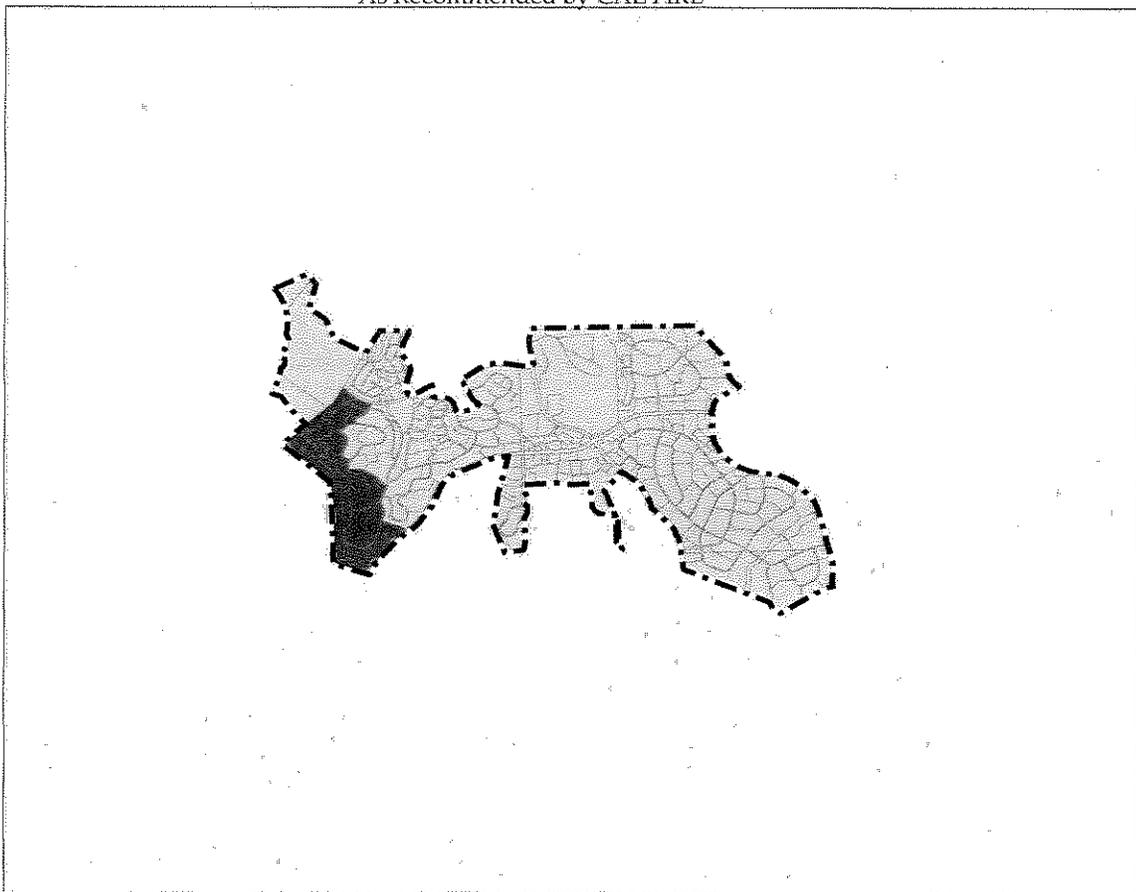
Sec. 10.13.010. Very High Fire Hazard Severity Zones.

(a) *Designation.* The areas identified on the map exhibit in Section 10.13.010(b) shall be the City's designated Very High Fire Hazard Severity Zones in accordance with Government Code Section 51179(a).

(b) *Map Exhibit.*

FRAP **Laguna Woods**

**Very High Fire Hazard Severity Zones in LRA
As Recommended by CAL FIRE**



<p>Fire Hazard Severity Zones</p> <p>Very High Fire Hazard Severity Zone</p> <p>High Fire Hazard Severity Zone</p> <p>Low Fire Hazard Severity Zone</p> <p>Unassessable</p>	<p><small>The State of California and the Department of Forestry and Fire Protection make no representation or warranty regarding the accuracy of data or maps. Users are advised to verify the accuracy of data and maps before using them for any purpose. The State of California and the Department of Forestry and Fire Protection are not liable for any loss or damage resulting from the use of this map.</small></p> <p><small>This map was developed using data provided by the following sources: 1. Aerial photography; 2. CAL FIRE Very High Fire Hazard Severity Zone data; 3. CAL FIRE High Fire Hazard Severity Zone data; 4. CAL FIRE Low Fire Hazard Severity Zone data; 5. CAL FIRE Unassessable data.</small></p>
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Projected Albers, NAD 1983
 Scale: 1" = 10,000'
 48 30' 44"
 October 2011

Map ID: LagunaWoods

SECTION 3. Effective Date.

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

SECTION 4. City Clerk's Certification

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

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2012.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Ordinance No. 12-XX** was duly
introduced and placed upon its first reading at a Regular Meeting of the City
Council on the ____ of ____, 2011, and that thereafter, said Ordinance was duly
adopted and passed at a Regular Meeting of the City Council on the ____ day of
____, 2012 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk