

# **AGENDA of THE LAGUNA WOODS CITY COUNCIL**

**Adjourned Regular Meeting  
December 2, 2009  
2:00 P.M.**

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

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

## **I. CALL TO ORDER**

## **II. FLAG SALUTE**

## **III. ROLL CALL**

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

#### **IV. 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.

- 4.1 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.

- 4.2 Development Impact Fees Annual Report

RECOMMENDED ACTION: Receive and file.

- 4.3 Investment Policy

RECOMMENDED ACTION: Approve a resolution ratifying the City's 2008 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

#### **V. PUBLIC HEARINGS**

- 5.1 Sprint/Nextel Cell Tower Modifications (CUP-580)

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

- E. Approve a resolution granting a conditional use permit that allows expansion of an existing Sprint/Nextel Wireless facility within the compound of the El Toro Water District at 24141 Moulton Parkway, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP 580 FOR THE EXPANSION OF AN EXISTING SPRINT/NEXTEL WIRELESS FACILITY ON AN EXISTING MONO-PINE LOCATED WITHIN THE WATER TANK FACILITY OF THE EL TORO WATER DISTRICT, 24141 MOULTON PARKWAY.

## 5.2 Temporary Signs

- A. Receive Staff Report.
- B. Open Public Hearing.
- C. Receive Public Comment.
- D. Close Public Hearing.
- E. Adopt an ordinance modifying temporary sign regulations, entitled:

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

## VI. CITY COUNCIL

## VII. CITY MANAGER

### 7.1 Moulton Parkway Smart Street Improvements

RECOMMENDED ACTION:

A. Authorize the City Manager to execute an amendment to the agreement with the County of Orange for implementation of the Moulton Parkway Smart Street project to allocate Measure M funds awarded to the City for the project, subject to approval of the agreement as to form by the City Attorney.

B. Award a contract to David Evans and Associates, Inc. for landscape architectural services for Moulton Parkway in the amount of \$133,245, plus authorized change orders not to exceed 15% of the base amount; and authorize the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

C. Approve a resolution declaring portions of Moulton Parkway, El Toro Road, Santa Maria Avenue and Ridge Route Drive to be County highways during the period of construction of the Moulton Smart Street Project, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DECLARING PORTIONS OF MOULTON PARKWAY, SANTA MARIA AVENUE, RIDGE ROUTE DRIVE, EL TORO ROAD AND VIA CAMPO VERDE, LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS, TO BE COUNTY HIGHWAYS DURING THE PERIOD OF CONSTRUCTION OF THE MOULTON SMART STREET PROJECT

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

#### **IX. PUBLIC COMMENTS**

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

#### **XI. ADJOURNMENT**

The meeting will be adjourned to a Meeting of the City Council at 2:00 p.m. on Wednesday, December 16, 2009 held at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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

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

**4.1-4.3**  
**CONSENT CALENDAR SUMMARY**

## City of Laguna Woods Agenda Report

**FOR:** December 2, 2009 City Council Meeting

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Leslie A. Keane, City Manager 

**Agenda Item:** Consent Calendar

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### Recommendation

Approve all proposed actions on the December 2, 2009 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 2<sup>nd</sup> Consent Calendar contains the following three items:

- 4.1 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.

- 4.2 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). As of the end of the reporting period (June 30, 2009), \$209,501 of park development impact fees were allocated/spent on Ridge Route linear park improvements. There were no loans or refunds from the Fund.
- 4.3 Approval of a resolution that acknowledges Council's annual review of the City investment policy. There are no changes proposed to the policy adopted by the Council last year – all surplus funds continue to be invested with the Local Agency Investment Fund (LAIF) or by Bank of America through overnight investments in U.S. government securities. 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.

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 2, 2009 Consent Calendar.

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

**4.1**  
**WAIVE READING OF ORDINANCES AND**  
**RESOLUTIONS**  
**(No Report)**

**4.2**  
**DEVELOPMENT IMPACT FEES**  
**ANNUAL REPORT**

**Development Impact Fees Fund**  
**Park In Lieu Fees\***  
**Annual Report**  
**Report for Period Ending 6/30/2009**

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.

<b>Date</b>	<b>Description</b>	<b>Project</b>	<b>Amount</b>	<b>Balance</b>
07/01/08	<b>Beginning Balance</b>	San Sebastian		<b>467,698.25</b>
	<b>Income:</b>			
09/30/08	Quarterly Interest Allocation		3,080.06	
12/31/08	Quarterly Interest Allocation		3,113.96	
03/31/09	Quarterly Interest Allocation		2,293.00	
06/30/09	Quarterly Interest Allocation		1,226.63	
	<b>Total Income</b>		<b>9,713.65</b>	
	<b>Expenditures:</b>			
	Public Improvements/Ridge Route Linear Park			
	<b>Total Expenditures</b>		<b>(209,500.84)</b>	
	<b>Ending Balance</b>			<b>267,911.06</b>
	Total Deposit (6/15/06)		425,628.85	
	Total Fund to Date Interest		51,783.05	
	Total Fund to Date Expenditures		<b>(209,500.84)</b>	
	<b>Fund Ending Balance</b>		<b>267,911.06</b>	

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

Construction of the public improvements commenced during October, 2008 and 38% of the cost of the project will be funded with fees.

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

**4.3**  
**CITY INVESTMENT POLICY**

**RESOLUTION NO. 09-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 Finance Manager/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 \_\_\_\_\_ 2009.

\_\_\_\_\_  
ROBERT B. RING, 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. 09-XX** was duly adopted  
by the City Council of the City of Laguna Woods at a regular meeting thereof, held  
on the \_\_\_ day of \_\_\_\_\_ 2009, 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  
Finance Manager/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 similar institution authorized by the City Council) in overnight securities of U.S. Treasuries, Agencies and Instrumentalities.

*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 Finance Manager/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:
  - 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

**5.1**  
**SPRINT/NEXTEL CELL TOWER**  
**MODIFICATIONS (CUP-580)**

**City of Laguna Woods  
Agenda Report**

**DATE:** December 2, 2009, City Council Meeting  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Leslie A. Keane, City Manager   
**AGENDA ITEM:** Sprint/Nextel Cell Tower Modifications (CUP 580).

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**Recommendation**

- A. Receive Staff Report.
- B. Open Public Hearing.
- C. Receive Public Comment.
- D. Close Public Hearing.
- E. Approve a resolution, granting a conditional use permit that allows the expansion of an existing Sprint/Nextel Wireless facility within the compound of the El Toro Water District at 24141 Moulton Parkway, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP 580 FOR THE EXPANSION OF AN EXISTING SPRINT/NEXTEL WIRELESS FACILITY ON AN EXISTING MONO-PINE LOCATED WITHIN THE WATER TANK FACILITY OF THE EL TORO WATER DISTRICT, 24141 MOULTON PARKWAY

**Background**

The applicant, Sprint/Nextel, is requesting a Conditional Use Permit to expand their existing wireless facility on an existing mono-pine located within the water tank facility compound of the El Toro Water District. The proposal will relocate two

ITEM 5.1

antennas within the same sector and add three new antennas and three new microwave dishes. Additionally, one equipment cabinet and GPS antenna will be placed within an existing equipment area. The proposed facility is intended to improve cellular service for Sprint/Nextel Wireless customers within the City of Laguna Woods.

Co-location of antennas or the expansion of a wireless facility is considered “minor” facilities because of their minimal potential for physical and visual impact to the surrounding properties. Even though the proposal is minor, the expansion of use requires that the project obtain a conditional use permit approval and go through the public hearing process.

This application, if approved, would be the fifth entitlement related to a wireless telecommunications facility at the subject site.

On July 19, 2000, the City Council approved CUP 00-03 allowing Sprint Wireless to construct a 60’ high mono-pine wireless tower with 12 panel antennas at 55’ on center within the water tank facility compound of the El Toro Water District.

On July 17, 2002, the City Council approved Conditional Use Permit CUP-33 which allowed the co-location of 6 antennas at 35’ on center by AT&T Wireless.

On July 15, 2006, the City Council approved CUP 286 allowing Cingular Wireless (who had since acquired AT&T Wireless) to co-locate three additional antennas at 35’ on center.

Lastly, on September 20, 2006, the City Council approved CUP 325 which allowed the co-location of 6 antennas at 45’ on center by Royal Street.

Adjacent Land Uses to the proposed site

<b>Location</b>	<b>Land Use designation</b>	<b>Land Use</b>
North	Open Space	City Centre Park Location- Gate 12
South	Community Commercial	Laguna Hills Animal Hospital
East	Community Commercial	Extra Space Self-Storage Facility and Arco Station
West	Community Commercial	Town Centre Development

The applicant has satisfied the minimum submittal requirements established in the City's Municipal Code and the proposed installation is compatible with the existing wireless facility located on the property.

### Discussion

#### **Issue 1: Mono-pine and Installation of the Antennas**

The existing mono-pine utilizes a stealth design in camouflaging the structure to simulate a pine tree to blend in with the existing trees that currently screen the water tanks. The original mono-pine design also utilizes existing site topography, an approximate 21 foot high earthen berm, to screen the antenna structure and related equipment cabinets. As a result, only the upper two-thirds (approximately 40 foot) of the mono-pine can be seen from the public right of way.

As currently existing, Sprint/Nextel maintains three sectors of two panel antennas (six panel antennas total) at 55' on center. Although originally entitled for 12 panel antennas, only 6 panel antennas have been erected. As proposed, the applicant is requesting to relocate 2 panel antennas within the existing sectors and install three additional antennas and three microwave dishes (at the 55' level) on the upper portion of the mono-pine structure. As a result, the overall project will include nine panel antennas and three microwave dishes. Each antenna panel is 4 feet tall, 8 inches wide and 3 inches deep, and each microwave dish is two feet wide in diameter. Both the panel antennas and microwave dish are capable of sending and receiving signals.

In addition, the wireless facility has capabilities for GPS (Global Positioning System) and is part of the 911 emergency systems. The specific orientation and height of each antenna sector has been determined by technical analysis to achieve the network requirements of the applicant. All proposed microwave dishes will be painted green in color and all existing and proposed panel antennas will be camouflaged with "pine needle antenna socks" to blend in with the simulated tree and reduce visual obtrusiveness, thus minimizing the aesthetic impact to the residents of Laguna Woods (condition no. 14). Additionally, staff is requesting the applicant to provide additional branches throughout the mono-pine to resemble a natural pine tree and to blend in better with the other mature trees in the immediate surround area of the site. (condition no. 15).

### Interference with Public Safety Equipment

In recent years there has been concern that the increased use of cell phone technology may result in interference with public safety radio frequencies. As a result of this concern, a set of project conditions have been developed to resolve conflicts between public safety equipment and cell phone technology. These conditions contain provisions for testing proposed sites for interference with public safety radios and enforcement of non-interference standards. These conditions have been incorporated into the prior project approval and remain a condition of the cellular site expansion (see wireless conditions).

#### **Issue 2: Location of Equipment Boxes**

In addition to the cellular antennas, the applicant proposes to add a 2' X 5' equipment cabinet on an existing Sprint/Nextel pad. All new and existing equipment boxes will be located in the existing lease area. The equipment cabinets will continue to be fully screened from view from the public right of way.

#### **Issue 3: Required findings for City Council**

In addition to the required finding for conditional use permits, City Council must make the following findings when approving permits for wireless facilities based on the application and conditions of approval:

1. The proposed facility will not create any significant blockage of public views.
2. The proposed facility will be an enhancement to the City due to its ability to provide additional communication capabilities.
3. The proposed facility will be aesthetically integrated into its surrounding land use.
4. The proposed facility will comply with FCC regulations regarding interference with the reception or transmission of other wireless service signals within the City and surrounding community.
5. The proposed facility will operate in compliance with all other applicable federal regulations for such facilities, including safety regulations.

6. The Public need for the use of the antenna facility has been documented.

**Environmental Review**

The proposed project is categorically exempt from the requirements for the preparation of environmental documents under section 15301 “Existing Facilities” of the California Environmental Quality Act.

**Fiscal Impact**

The City does not receive any revenue from the location or expansion of this type of facility within the City. The City recovers staff costs associated with processing the planning entitlements and building permits through the collection of standard processing fees paid by the applicant.

**Planning Advisory Committee Action**

The City’s Land Use and Design Review Committee reviewed the proposed project at their November 12, 2009 meeting and voted unanimously to support the proposed wireless facility expansion and recommended approval by the City Council.

**Conclusion**

The application for the proposed wireless facility revisions has met the minimum submittal and development standards required by City Code. The expansion of the proposed wireless telecommunication facility intended to improve cellular service for Cingular Wireless customers within the City of Laguna Woods. The additional antennas have been designed to match the existing site conditions and camouflage and will not result in any significant visual impacts. The original conditions of approval remain in effect and specific test requirements for the expansion will ensure that there is no future interference with emergency response equipment. There are no negative impacts to the environment or City finances and the Land Use and Design Review Committee has unanimously recommended approval. Staff recommends that the City Council approve the proposed wireless facility expansion subject to the recommended conditions of approval.

Prepared by: Deborah Drasler, City Planner



- Attachment:
1. Resolution
  2. Site Location
  3. Project Plans
  4. Site Photos/ Photo Simulation

**RESOLUTION NO. 09-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP 580 FOR THE EXPANSION OF AN EXISTING SPRINT/NEXTEL WIRELESS FACILITY ON AN EXISTING MONO-PINE LOCATED WITHIN THE WATER TANK FACILITY OF THE EL TORO WATER DISTRICT, 24141 MOULTON PARKWAY

**WHEREAS**, the City Council of the City of Laguna Woods has considered Conditional Use Permit application CUP 580 for a wireless facility located at 24141 Moulton Parkway filed by Sprint/Nextel in accordance with Section 13.24.030 of the Municipal Code; and

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

**WHEREAS**, the City Council has reviewed and considered the information presented by the applicant, public testimony at the public hearing and staff report analysis, all of which are included in the public record and incorporated herein by reference; and

**WHEREAS**, the City Council makes the following findings subject to the conditions of approval:

1. The proposed use and project is consistent with the City of Laguna Woods General Plan; and
2. The use, activity or improvements proposed are consistent with the provisions of the City Zoning Code; and
3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act; and

4. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity; and
5. The approval of the permit application will not result in conditions or circumstances contrary to the public health, safety and the general welfare; and
6. The approval of the permit application is in compliance with all City-required public facilities regulations.

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

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** Based on the application received, the proposed project is consistent with the following findings for wireless facilities:

1. The proposed facility will not create any significant blockage of public views; and
2. The proposed facility will be an enhancement to the City due to its ability to provide additional communication capabilities; and
3. The proposed facility will be aesthetically integrated into its surrounding land use; and
4. The proposed facility will comply with FCC regulations regarding interference with the reception or transmission of other wireless service signals within the City and surrounding community; and
5. The proposed facility will operate in compliance with all other applicable federal regulations for such facilities, including safety regulations; and
6. The public need for the use of the antenna facility has been documented.

**SECTION 3.** Based on the information presented by the applicant, public testimony at the public hearing and staff report analysis, the City Council approves conditional use permit application CUP 580 subject to the following conditions:

#### GENERAL PROJECT CONDITIONS

1. This permit (Conditional Use Permit CUP 580) is issued for the expansion of the existing wireless facility co-location approved by CUP 00-03 on July 19, 2000. All applicable City standards and conditions of that approval shall be in place unless specifically superseded by the project conditions referenced within. The proposed expansion shall be in conformance with the site plans stamped approved on December 2, 2009.
2. The applicant, or successor in interest, shall abide by and faithfully comply with any and all conditions of this permit. Failure to comply with the conditions of this permit constitutes grounds for revocation of said permit by the City of Laguna Woods City Council.
3. The applicant, or successor in interest, shall agree, as a condition of issuance of this permit, to at its sole expense, defend, indemnify, and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attach, set aside, void or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The applicant shall pay the City's defense costs and shall reimburse the City for court costs and attorney fees that the City may be required by a court to pay as a result of such defense. The applicant may at its sole discretion participate in the defense or any such action under this condition.
4. The permit is granted for the property as described in the application and shall not be transferable from one parcel to another.
5. This permit shall become null and void within 24 months from the date of its issuance, unless the proposed development or use has been diligently pursued. The issuance of a grading, foundation, or building

permit for structural construction shall be a minimum requirement for evidence of diligent pursuit.

6. The development or use by the Developer of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The Developer by said acceptance waives any challenge as to the validity of these conditions.
7. Any covenants, conditions, and restrictions (CC&R's) applicable to the subject property shall be consistent with the terms of this permit and the Laguna Woods City Code. Where a conflict exists between the CC&R's and City regulations, the City regulations shall prevail.
8. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
9. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions. Fees shall be due within 60 days of approval or prior to final approval of related building permits, whichever occurs first.

#### PLANNING STANDARD CONDITIONS

10. This approval constitutes approval of the project only to the extent that it complies with the City Zoning Code and any other applicable City standards. Approval does not eliminate the need for building permits or include any action or finding as to compliance or approval of any other applicable Federal, State or Local ordinance, regulation or requirements.
11. Except as otherwise provided herein, this permit is approved as a precise plan for the location and design of the uses, structures, features, and materials shown on the approved plans. After an application has been approved, a change plan may be submitted to the City's Community Development Director for any relocation, alteration, or addition to any use, structure, feature, or material, not specifically

approved in the original application. If the Community Development Director determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

12. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit. The applicant shall submit three (3) sets of plans stamped and signed by the architect or engineer to the Building Department for review, approval and issuance of a building permit.
13. The cover sheet of the building construction documents shall contain the City's conditions of approval and it shall be attached to each set of plans submitted for City approval or shall be printed on the title sheet verbatim.

#### PLANNING SPECIAL CONDITIONS

14. Prior to issuance of a building permit, the applicant shall incorporate the following information on the final approved architectural plans:
  - a. All proposed microwave dishes shall be painted green in color.
  - b. All existing and proposed panel antennas shall be camouflaged with "pine needle antenna socks".
15. Prior to issuance of a building permit, the applicant shall incorporate on the final approved architectural plans; additional branches and replace any missing branches throughout the mono-pine to resemble a natural pine tree and to blend in better with the other mature trees in the immediate surrounding area of the site.
16. Prior to issuance of a building permit, the applicant shall provide the following information on the final approved site plan subject to the review and approval of the Building Official:
  - a. Page A2, detail 1; Identify proposed power cable and conduit sizing. Submit calculation for existing load on 'key note item 6 and 4'. Calculate proposed additional load with existing load to determine the total proposed load. Note compliance of equipment capability to handle total proposed load.

- b. Identify means of grounding for proposed equipment and cabinet.
- c. Identify proposed equipment voltage range to determine working space requirement in front of the proposed cabinet.

#### WIRELESS PERMIT CONDITIONS

- 17. The City may require modification or removal of wireless antenna facilities for various reasons such as, but not limited to, changes in technology, safety hazards or new environmental concerns, etc.. All costs of installation, modification to and removal of wireless antenna facilities and related equipment shall be borne by the applicant, whether required by the City or otherwise.
- 18. The applicant and applicant's successors in interest shall cease operation of this facility, upon expiration of a 24-hour cure period, should it cause interference with the City or City agent's Public Safety radio equipment. Failure to cease operation will result in automatic suspension of the permit and grounds for revocation by City Council.
- 19. The proposed facility shall not bear any signs or advertising devices except those required for certification, public safety, warning or other required seals or signage.
- 20. The facility shall not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agency.
- 21. The applicant and applicant's successors in interest shall be required to completely dismantle and remove the proposed antennas and equipment cabinets, if abandoned for a period of six months or more.
- 22. A Radio-Frequency testing report shall be provided after the initial installation. At the time a Temporary Certificate of Occupancy will be issued and then once the site is operable, an additional report shall be submitted within 45 days to demonstrate that the facility is in compliance with government safety standards.
- 23. The applicant and applicant's successors in interest shall submit to a post-installation test to confirm that the facility does not interfere with the City of Laguna Woods Public Safety radio equipment (including contract services). This test will be conducted by the Communications

Division of the Orange County Sheriff's Department or a Division-approved contractor at the expense of the applicant. Proof of compliance shall be provided the Community Development Director.

24. The applicant and applicant's successors in interest shall provide a "single point of contact" in its Engineering and Maintenance Departments to ensure continuity on all interference issues. The name, telephone number, fax number, and e-mail address of that person shall be provided to the Communications Division of the Orange County Sheriff's Department.

#### STORMWATER CONDITIONS

25. The applicant, or successor in interest, shall take all necessary steps to prevent construction and all other non-storm water waste from entering the storm drain system. This may include structural BMPs (best management practices) such as gravel bags around storm drains, sweeping instead of washing down construction areas and the proper handling and disposal of construction materials.
26. The City retains the right to inspect the premises for compliance with the City's storm water programs and NPDES permit requirements.

#### FIRE CONDITIONS

28. Prior to the issuance of a grading or building permit, the applicant shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Completing Chemical Classification Packets."
29. Prior to the issuance of a building permit, the applicant shall complete and submit to the Fire Chief a copy of a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet. Please contact the Orange County Fire Authority Hazardous

Materials Services Section at (714) 744-0463 to obtain a copy of the packet.

- 30. Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the "Orange County Fire Authority Plan Submittal Criteria Form." Please contact the Orange County Fire Authority at (714) 744-0499 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal.

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

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

ATTEST:

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

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

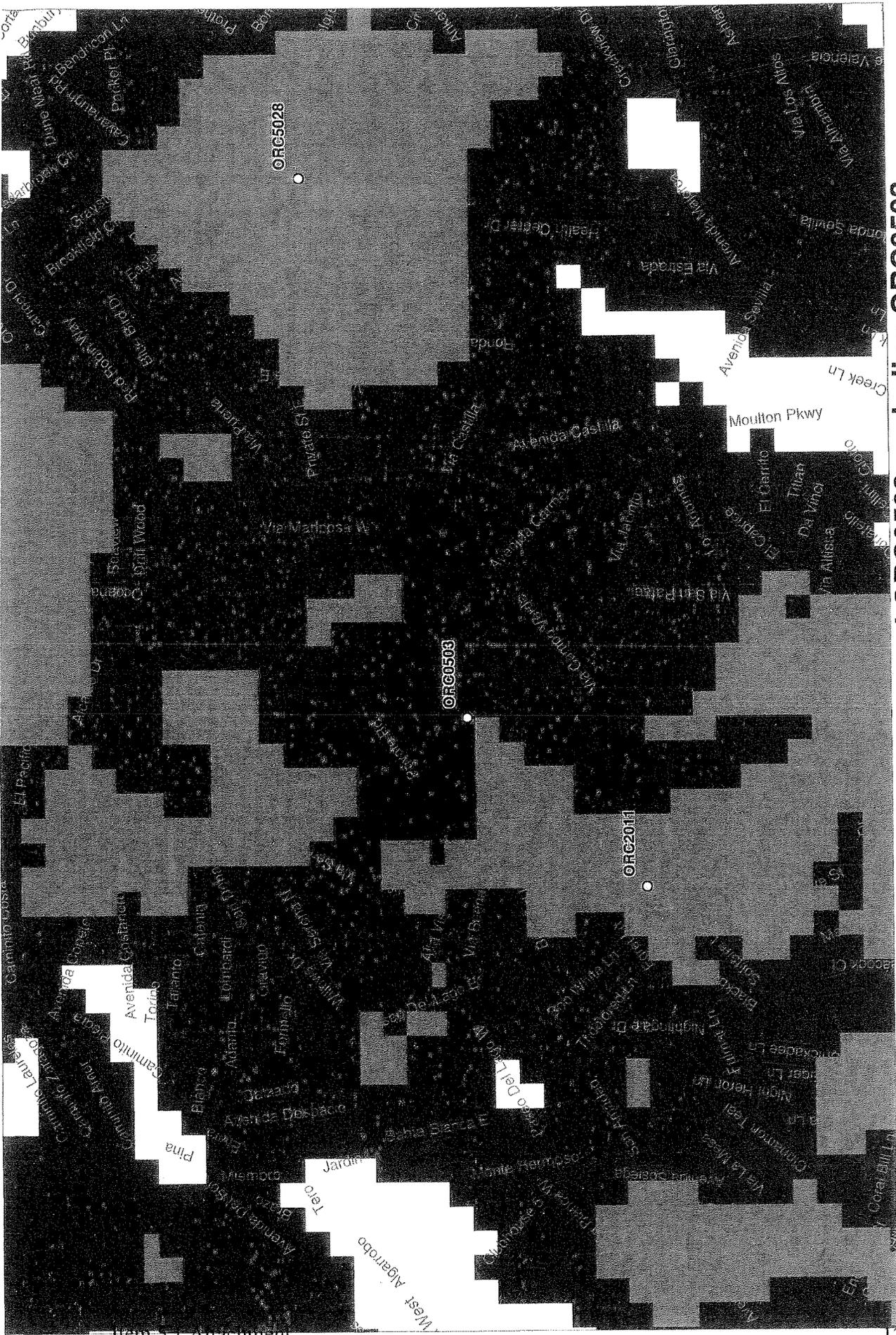
I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 09-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the \_\_\_ day of \_\_\_\_\_ 2009, by the following vote:

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

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

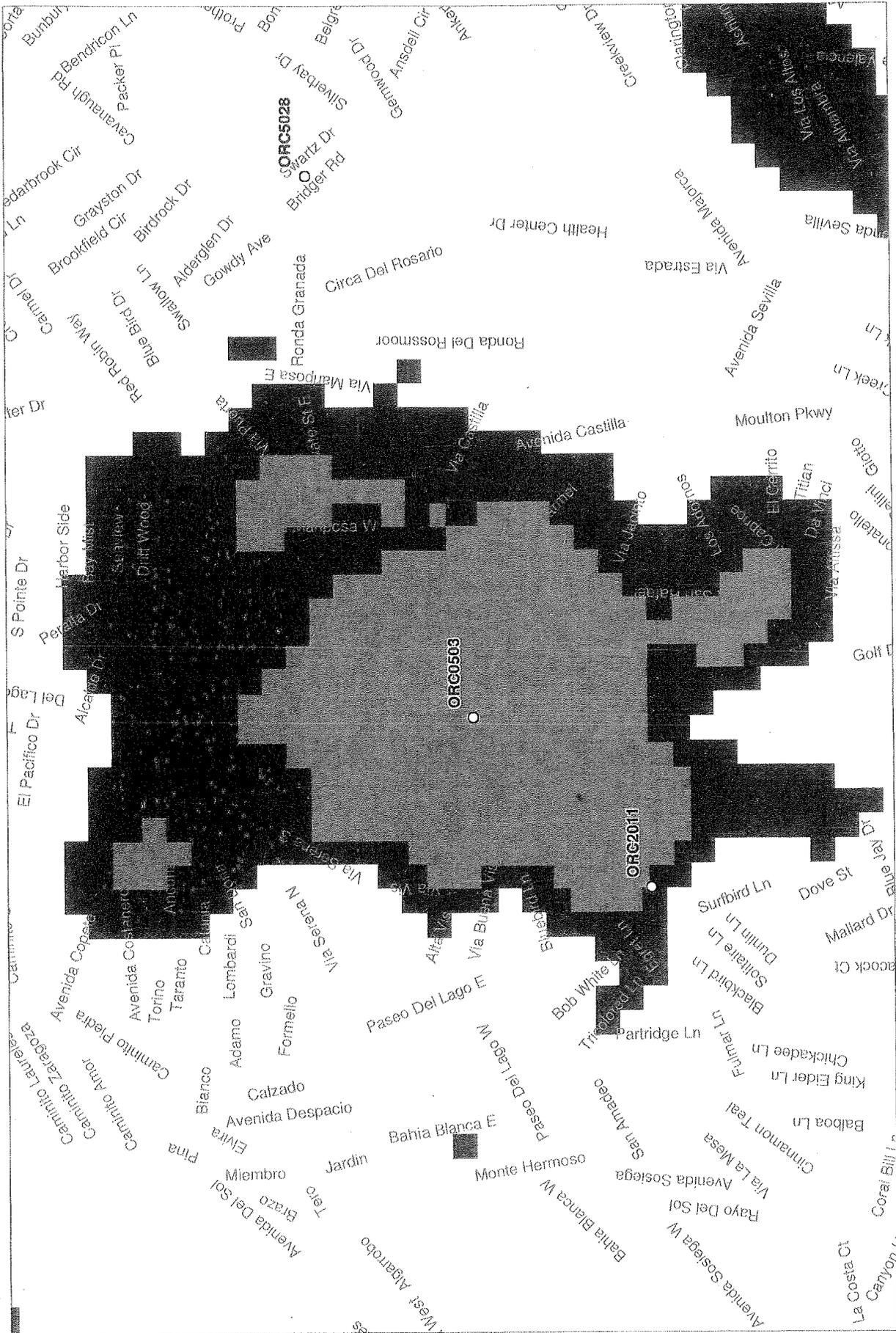






**Coverage of planned sites around ORC0503 excluding ORC0503**

	Areas with good to excellent coverage		Areas with marginal to good coverage		Areas with no coverage or outside coverage boundaries		Future Site Locations
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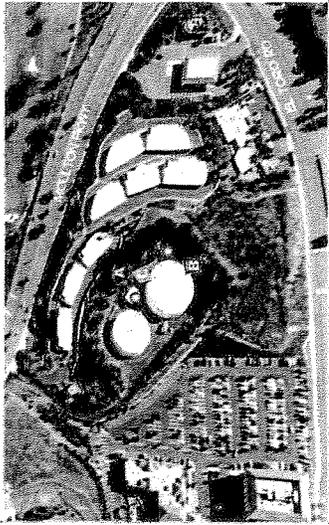


**Coverage provided by ORC0503**

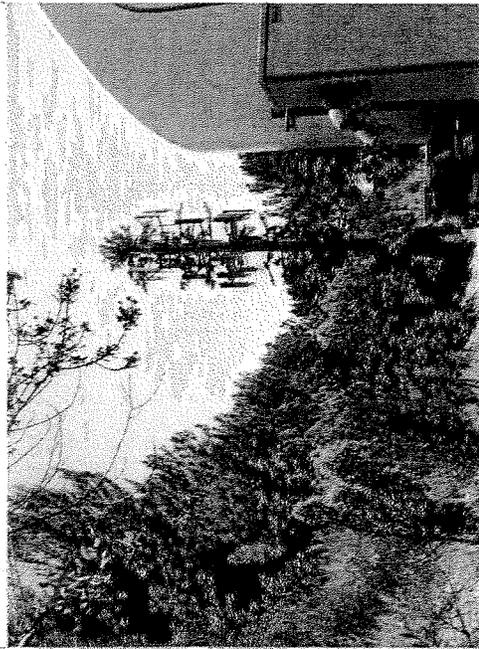
	Areas with good to excellent coverage
	Areas with marginal to good coverage
	Areas with no coverage or outside coverage boundaries
	Future Site Locations



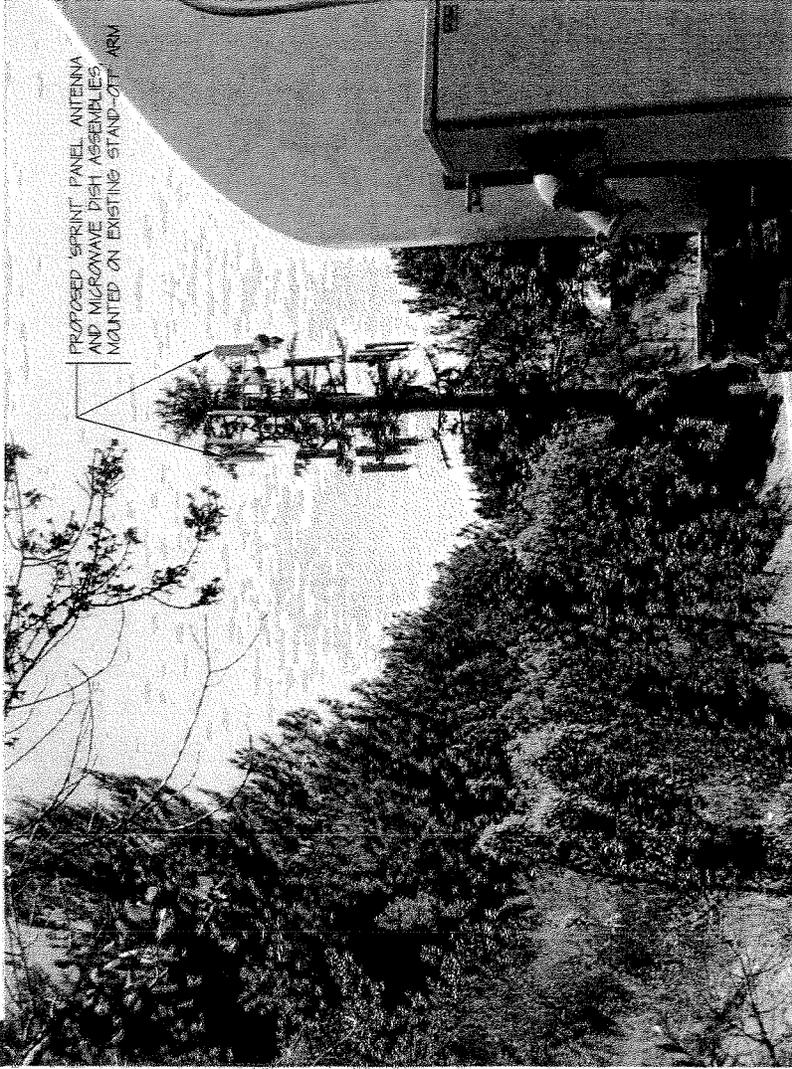
**AERIAL MAP**



**EXISTING SITE**



**A PROPOSED TELECOM SITE**



APPLICANT REPRESENTATIVE:

GLENN DIETZ  
 POWDER RIVER, INC  
 T 818-209-7169

2450 DUPONT DRIVE  
 IRVINE, CA 92612  
 (949) 475-1000 T  
 (949) 475-1001 F

**DGI PACIFIC**

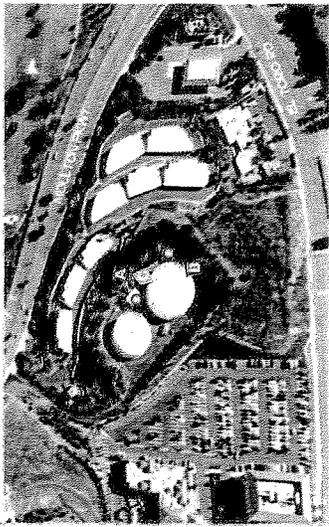
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 Together with NEXTEL

LEISURE WORLD  
 CA-ORCO503A  
 24141 MALTON PKWY  
 LAGUNA WOODS, CA 92657

PAGE

1 OF 3

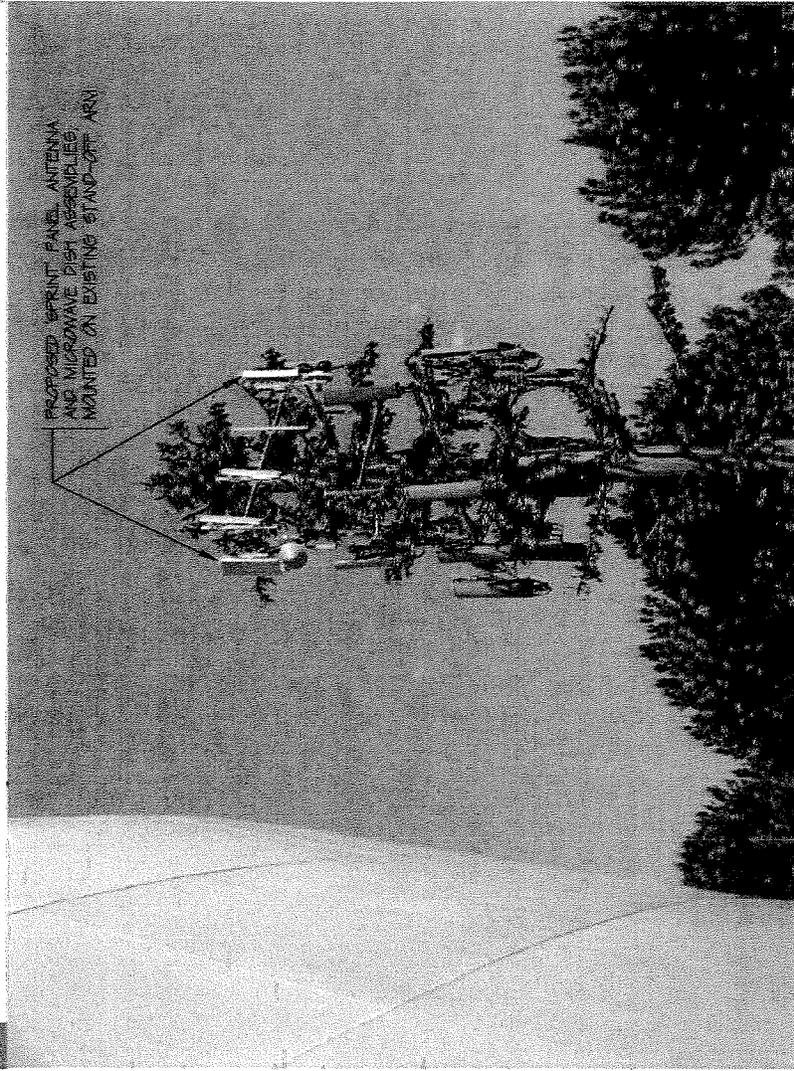
AERIAL MAP



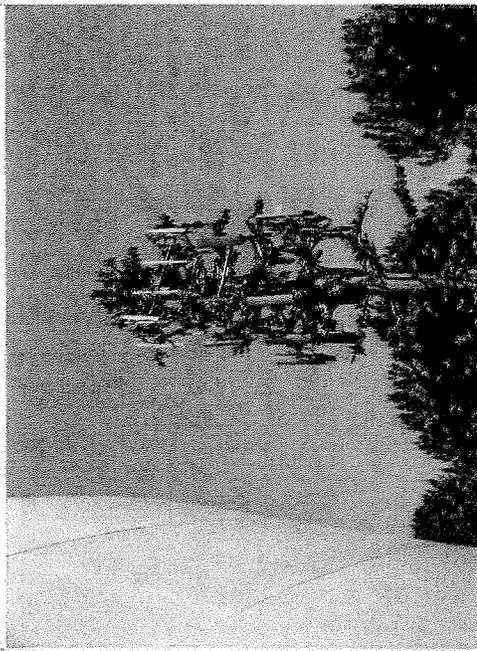
APPLICANT REPRESENTATIVE:

GLENN DIETZ  
 POWDER RIVER, INC  
 T 818-209-7169

**B** PROPOSED TELECOM SITE



EXISTING SITE



**DCI** PACIFIC

2450 DUPONT DRIVE  
 IRVINE, CA 92612  
 (949) 475-1000 T  
 (949) 475-1001 F

**Sprint**  
 Together with NEXTEL

LEISURE WORLD  
 CA-ORCOSOSA  
 24141 MOUNTAIN PKWY  
 LAGUNA WOODS, CA 92653

PAGE

2 OF 3

AERIAL MAP



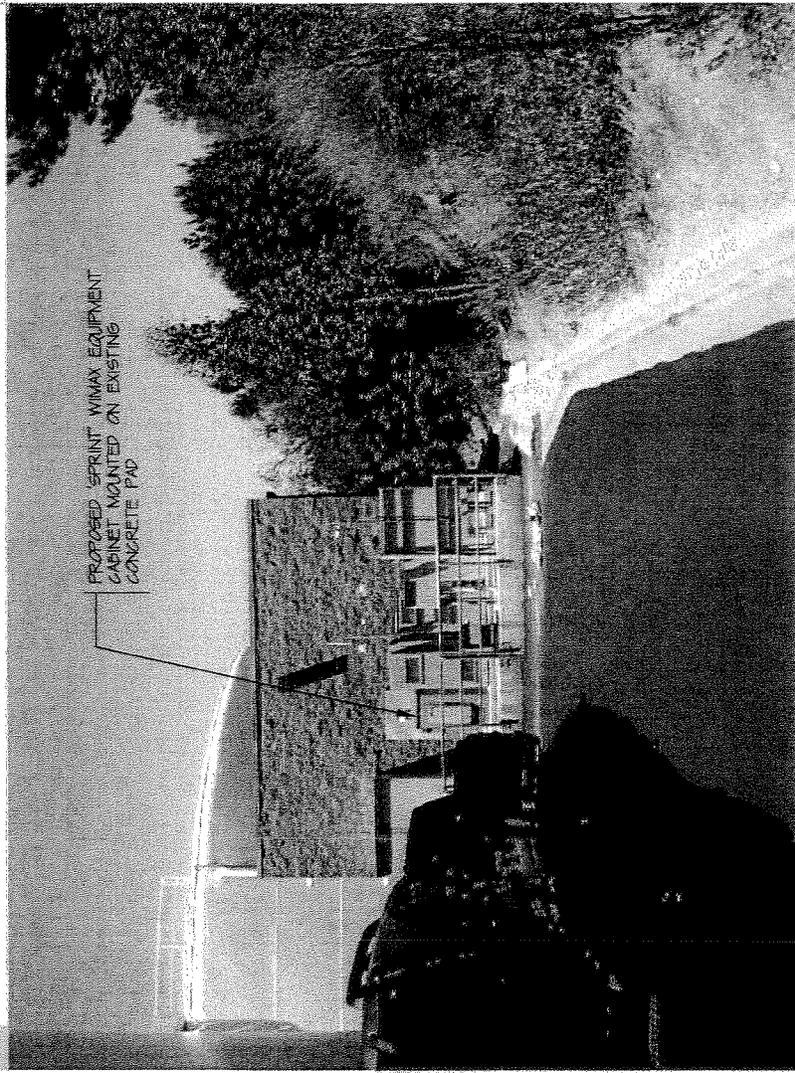
EXISTING SITE



APPLICANT REPRESENTATIVE:

GLENN DIETZ  
 POWDER RIVER, INC  
 T 818-209-7169

PROPOSED TELECOM SITE



**DCI PACIFIC**

2450 DUPONT DRIVE  
 IRVINE, CA 92612  
 (949) 475-1000 T  
 (949) 475-1001 F

**Sprint**  
 Together with NEXTEL

LEISURE WORLD  
 CA-ORCO503A  
 2441 MOLTEN PKWY  
 LAGUNA WOODS, CA 92653

PAGE

3 OF 3





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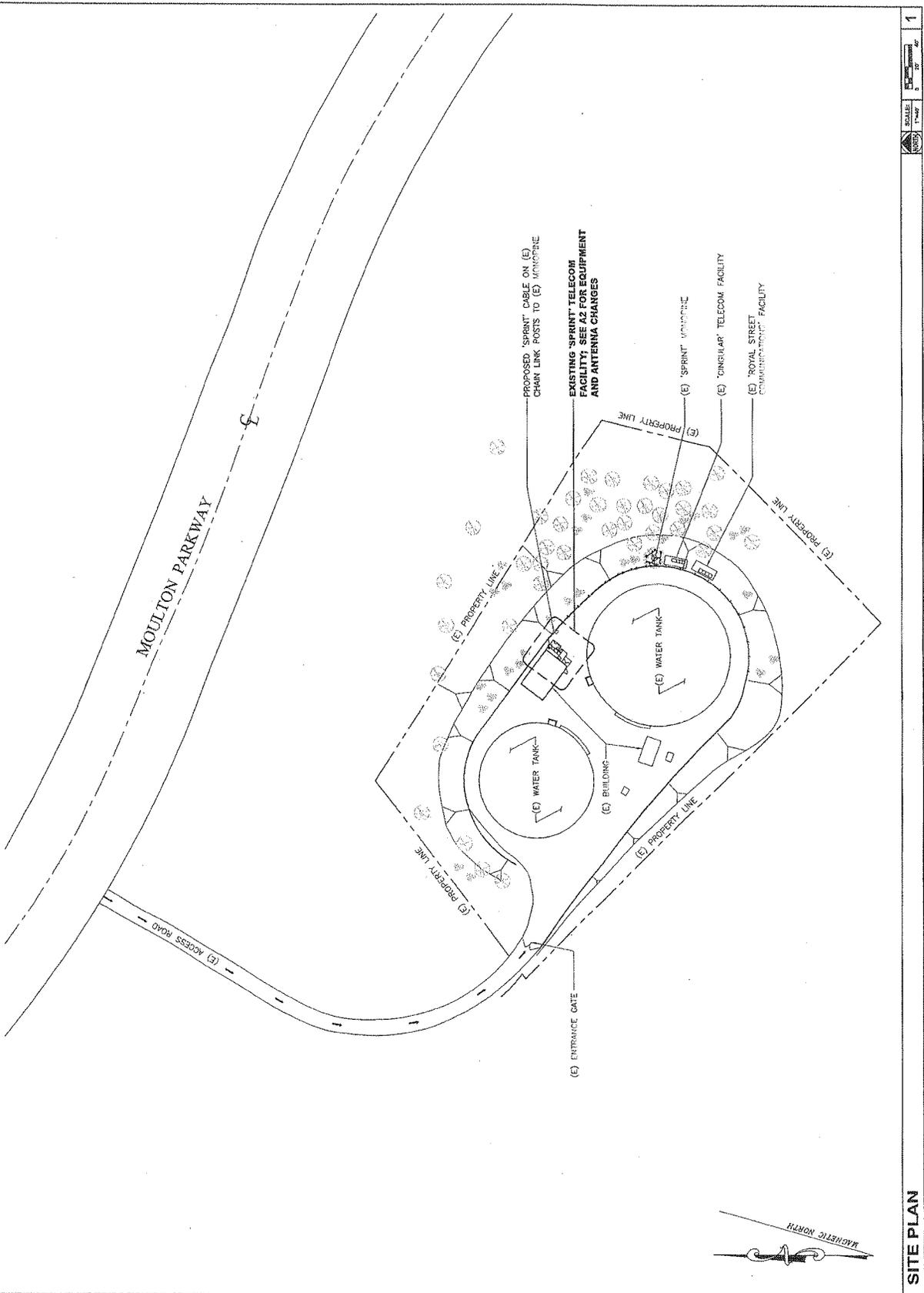
**LEISURE WORLD**  
 (0G38XC261\_55)  
 CA-ORC0503a  
 24141 MOULTON PARKWAY  
 LAJUNA WOODS, CA 92637

LICENSURE

NO.	DATE	REVISIONS
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2	08/08/09	ISSUE FOR PERMITTING

SHEET TITLE  
**SITE PLAN**

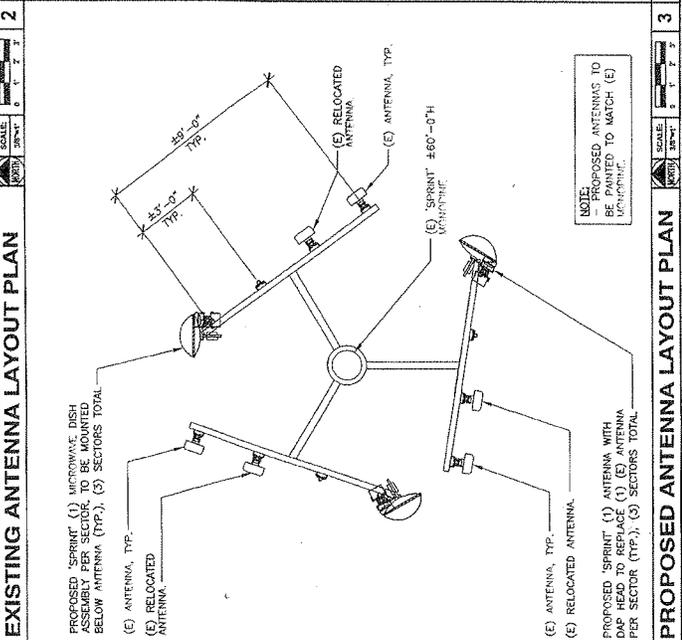
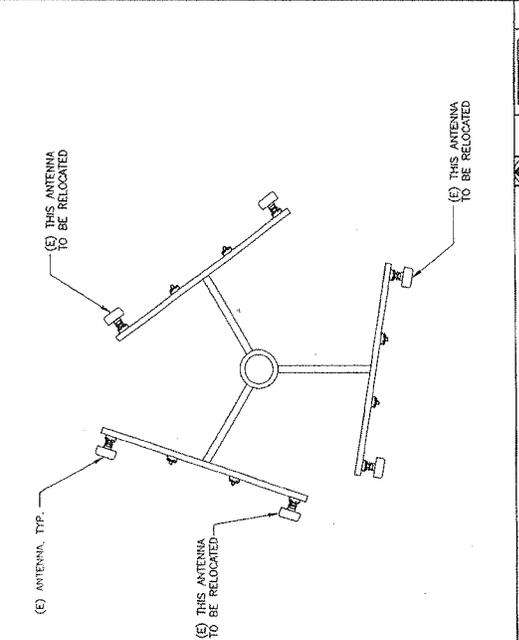
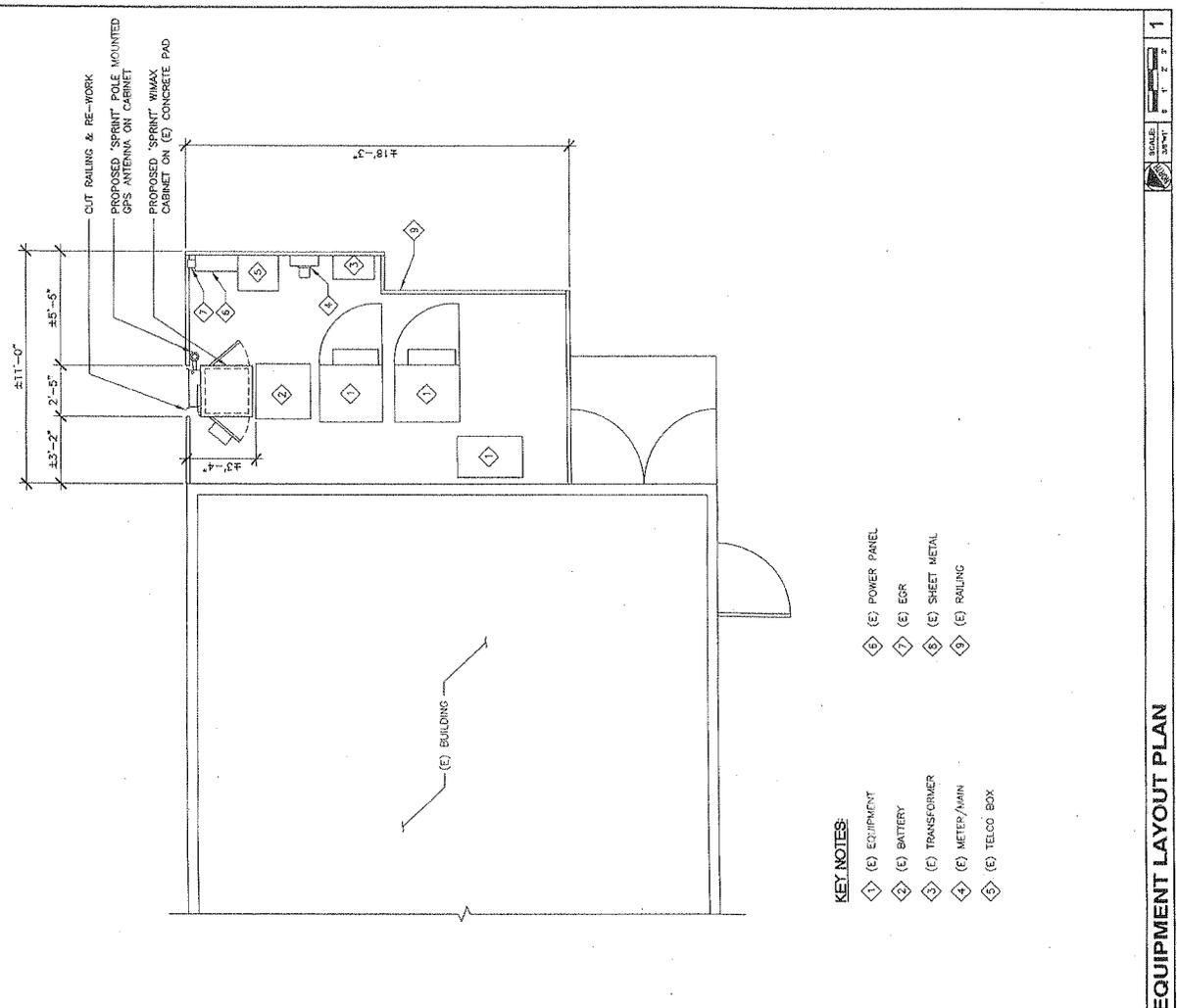
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**A1**

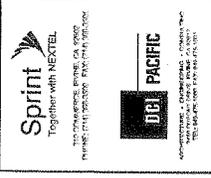


SCALE: 1"=40'  
 NORTH

**SITE PLAN**

REVISIONS	
NO.	DATE
1	10/20/09
2	11/10/09
3	11/10/09
4	11/10/09
5	11/10/09
6	11/10/09
7	11/10/09
8	11/10/09
9	11/10/09
10	11/10/09
11	11/10/09
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16	11/10/09
17	11/10/09
18	11/10/09
19	11/10/09
20	11/10/09





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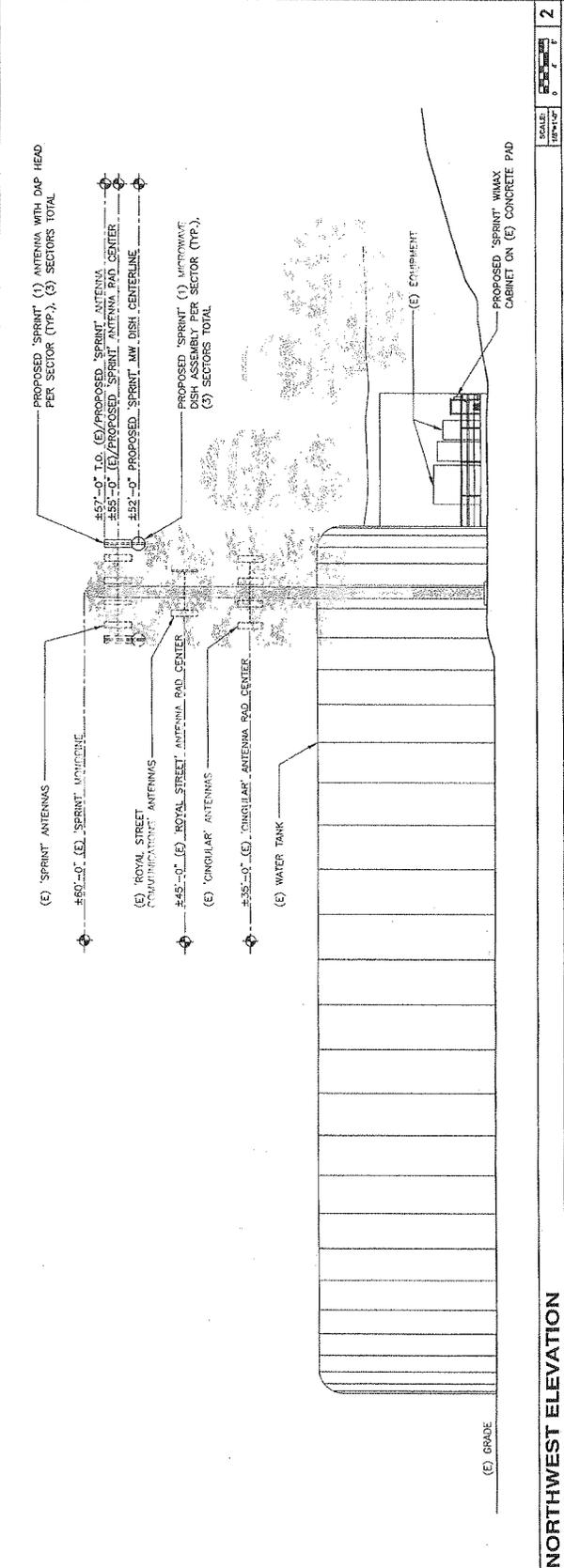
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 (0G38XC261\_55)  
 CA-ORC0503a  
 24141 MOUTON PARKWAY  
 LAGUNA WOODS, CA 92637

LICENSEURE

REVISIONS	
NO.	DESCRIPTION
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2	
3	
4	
5	
6	
7	
8	
9	
10	

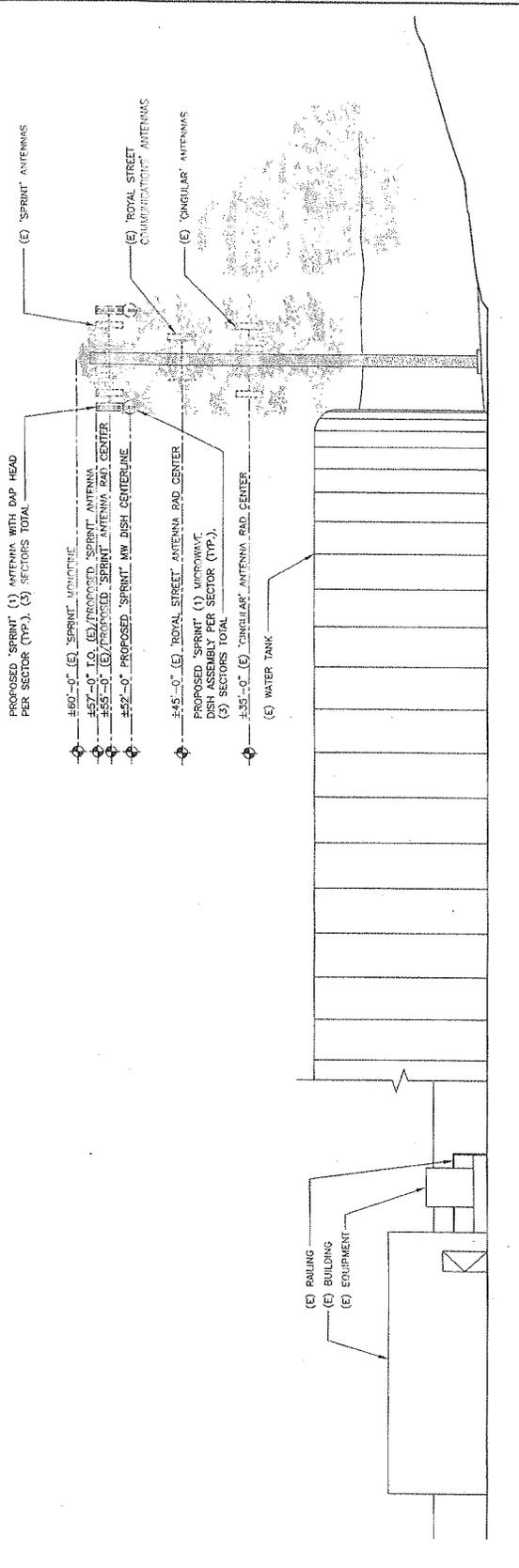
SHEET TITLE  
**ELEVATIONS**

SHEET NUMBER  
**A3**



**NORTHWEST ELEVATION**

SCALE: 1/8" = 1'-0"



**NORTHEAST ELEVATION**

SCALE: 1/8" = 1'-0"

**5.2**  
**TEMPORARY SIGNS**

City of Laguna Woods  
Agenda Report

DATE: December 2, 2009 City Council Meeting  
TO: Honorable Mayor and City Councilmembers  
FROM: Leslie Keane, City Manager   
AGENDA ITEM: Temporary Signs

---

**Recommendation**

- A. Receive Staff Report.
- B. Open Public Hearing.
- C. Receive Public Comment.
- D. Close Public Hearing.
- E. Adopt and ordinance modifying temporary sign regulations, entitled:

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

**Background**

The City's Zoning Code contains regulations for temporary signage, adopted in 2003. These regulations have been amended from time, with the last modification adopted by the Council on August 19, 2009, with an effective date of mid-September. At its October meeting, the Land Use and Design Review Committee reviewed and approved a variance for temporary signage at the San Sebastian Condominium project. During the discussion on the project, the Committee asked staff to consider additional modifications to the Zoning Code for residential real estate signage. At its November 12,

2009 meeting, the Committee approved a draft ordinance for City Council review. The draft was finalized and introduction and first reading approved at the Council's November 16, 2009 meeting.

### **Discussion**

The proposed ordinance would make the following changes to existing regulations:

1. Allow newly constructed multifamily for-sale residential developments and new and existing residential for-lease developments with five or more units to substitute a banner sign for a free standing real estate sign.
2. Establish a one year timeframe for real estate signs, with the possibility of renewal based on vacancies. Banner sign renewal would only be allowed if less than 60% of the units in a building or project site are sold or leased. Free standing real estate signs would continue to be allowed for one or more vacancies in lease projects.
3. Approval of a real estate banner signs would preclude the applicant from applying for promotional or special event banner signs, until such time as the real estate banner was removed.
4. Use of telephone numbers, email addresses and website address would not be allowed on real estate or promotional banner signs.
5. Banner signs – real estate and promotional – would be limited to no more than three colors.
6. With the exception of coordinated shopping center events, only one banner sign – real estate or promotional – would be allowed on any building frontage. This is more of a clarification of existing regulations than a modification.

### **Fiscal Impact**

There is no known fiscal impact associated with the recommended changes. The cost to process banner signs is offset by a permit fee.

**Conclusion**

If approved the provisions of this ordinance would be effective in January 2010.

Attachment: Ordinance

**ORDINANCE NO. 09-XX**

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

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

SECTION 1. Findings. The City Council of the City of Laguna Woods does hereby find as follows:

A. The City Council desires to make certain amendments to the City's current sign regulations adopted under Ordinance No. 03-03 and to ratify such sign regulations as amended. The City Council hereby incorporates the findings and record associated with Ordinance No. 03-03 by reference.

B. This ordinance is authorized by the City's police powers, Government Code section 65850, and Business & Professions Code section 5230.

C. The objective of this amendment to Chapter 13.20 is to advance the purpose and intent of the City's sign regulations, as set forth in Municipal Code section 13.20.010, to allow further flexibility for businesses, residents, and development projects within the City in connection with certain temporary signs, and to protect the public's health, safety, and welfare by ensuring that temporary signs are designed, installed, erected, and/or placed in a manner that minimizes visual hazards to pedestrian and vehicular traffic, visual blight, clutter, and other negative aesthetic impacts.

D. The City Council also finds that the proposed amendments are consistent with and further implement the goals and policies of the City's General Plan.

E. The City Council held a noticed public hearing regarding the proposed amendments on December 2, 2009, and has considered all oral and written comments on the proposed ordinance.

SECTION 2. Sections 13.20.050 (b) (3) *Real Estate Signs* and 13.20.050 (5) *Banner Signs* of the Laguna Woods Municipal Code are hereby amended in their entirety to read as follows:

## Sec. 13.20.050. Permitted signs

(b) *Temporary signs.*

(3) *Real estate signs.* In any area, one free standing real estate sign shall be permitted on any building site, subject to the following conditions:

a. Permits for real estate signs shall be valid for one year, but may be renewed if units are vacant.

b. Real estate signs require a permit which may be obtained from the Community Development Department; permit fees shall be in accordance with the City's fee schedule.

c. The copy of these signs shall be limited to information relating to the sale, lease or rental of the premises on which the sign is located. These signs shall be removed upon the close of escrow or when lease or rental of all units has been accomplished.

d. The sign must be located on the site being sold or leased; in the case of a multifamily residential building or a shopping center, the sign may be located on common area property within the larger site as long as it does not occupy any pedestrian or vehicular access.

e. The area of the sign shall not exceed:

1. *Residential.*

(i) Four (4) or less units per building site: Six square feet.

(ii) Five (5) or more units per building site: Thirty-two square feet.

2. *Nonresidential.* Thirty-two square feet.

f. *Multifamily Residential Developments.* Multifamily residential developments with five or more units available for sale, lease or rental may substitute a banner sign for a free standing real estate sign, subject to the following conditions:

1. Individual real estate banner signs shall be allowed one square foot of signage per linear foot of frontage up to a maximum of 100 square feet.
2. Each residential project shall be allowed to display only one banner sign per frontage. For purposes of this section, building frontage shall be defined as the linear width of a building that faces on any roadway, driveway or parking lot associated with the business or residential project, or that is clearly visible from a public street.
3. Real estate banner signs must be mounted flush to a building and may not be located on the roof or a parapet.
4. Banner signs shall not contain telephone numbers, email addresses or website addresses.
5. Banner signs shall be limited to no more than three colors; white shall be counted as a color.
6. Real estate banner signs shall be allowed with a permit for up to one year or until 60% of the units in the project are sold or leased, whichever occurs first. Renewal shall be subject to the same conditions.

(5) *Banner signs.*

- a. Banner signs shall be allowed in commercial districts and on multifamily residential projects that exceed five or more units.
- b. Banner signs shall be allowed to be attached flush to a building or store front.
- c. Individual tenant, business or residential facility banner signs shall not exceed the following:
  1. For buildings with frontages with 25 linear feet or less, a 25 square foot maximum sign area is allowed.

2. For buildings with frontages with more than 25 linear feet, one square foot of signage per linear foot of frontage is allowed up to a maximum of 100 square feet.
  3. For purposes of this section, building frontage shall be defined as the linear width of the building and/or business which fronts on any roadway, driveway or parking lot associated with the business or residential project, or that is clearly visible from a public street.
- d. With the exception of special center events, described in Section “g” below, each building shall be allowed to display only one banner sign per frontage.
  - e. Each building/business may be granted a permit to display an on-site banner, for a maximum of one hundred and twenty (120) days within a twelve (12) month aggregate period. Time can be used in any multiple of consecutive days, not exceeding 30 days per event/occasion. Banner signs shall be removed for at least 30 days prior to issuance of a new permit. Multiple banners displayed consecutively shall count as a single banner.
  - f. Banner signs shall not contain telephone numbers, email addresses or website addresses.
  - g. Banner signs shall be limited to no more than three colors; white shall be counted as a color.
  - h. In the case of center or plaza events, the maximum banner sign size for individual participants is 25 square feet. A common center or plaza event identification shall not exceed 100 square feet. If the special activity includes multiple tenants of a commercial center or plaza, all signs and banners should be of a similar size, color or lettering style.
  - i. A banner sign permit is required and may be obtained from the Community Development Department; permit fees shall be in accordance with the City's fee schedule.
  - j. Nonprofit Community Service Organization Special Event Signs. Subject to a written request and permission of the property owner, a no-fee permit for a temporary banner may be granted by the Director for a one week period or less, to certified nonprofit community service

organizations, for an event which will benefit the community, or general public.

SECTION 3. Deputy City Clerk's Certification.

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

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Robert B. Ring, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 09-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 18<sup>th</sup> day of November 2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the following vote to wit:

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

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

**7.1**  
**MOULTON PARKWAY SMART STREET**  
**IMPROVEMENTS**

**City of Laguna Woods  
Agenda Report**

**FOR:** December 2, 2009 City Council Meeting  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Douglas C. Reilly, Assistant City Manager *Dill*  
**Agenda Item:** Moulton Parkway Smart Street Improvements

---

**Recommendation**

- A. Authorize the City Manager to execute an amendment to the agreement with the County of Orange for implementation of the Moulton Parkway Smart Street project to allocate Measure M funds awarded to the City for the project, subject to approval of the agreement as to form by the City Attorney.
- B. Award a contract to David Evans and Associates, Inc. for landscape architectural services for Moulton Parkway in the amount of \$133,245, plus authorized change orders not to exceed 15% of the base amount; and authorize the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.
- C. Approve a resolution declaring portions of Moulton Parkway, El Toro Road, Santa Maria Avenue and Ridge Route Drive to be County highways during the period of construction of the Moulton Smart Street Project, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DECLARING PORTIONS OF MOULTON PARKWAY, SANTA MARIA AVENUE, RIDGE ROUTE DRIVE, EL TORO ROAD AND VIA CAMPO VERDE, LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS, TO BE COUNTY HIGHWAYS

## DURING THE PERIOD OF CONSTRUCTION OF THE MOULTON SMART STREET PROJECT

### **Background**

The County of Orange, through two cooperative agreements with the City of Laguna Woods, prepared plans and specifications and recently bid the construction of the Moulton Smart Street Project, Phase 1, from Via Campo Verde to 1200 feet north of El Toro Road. These improvements include the widening of Moulton Parkway and El Toro Road to include the addition of left turn lanes on El Toro Road, the addition of right turn lanes on three legs of the Moulton/El Toro intersection, extension of the sidewalk on the east side of Moulton Parkway, the addition of a bus turnout just north of the entrance to the Moulton Auto Spa, and pavement resurfacing. The County Board of Supervisors is expected to approve the award of a contract for this work to Beador Construction Company, Inc. for \$3.9 million on December 15, 2009. Project work is scheduled to start by March 2010.

The County is also preparing for work to start on the segment of Moulton Parkway from the intersection with Santa Maria Avenue to El Pacifico, in Laguna Hills. Preliminary work to remove and pave over center medians is expected to start in December in preparation for shifting traffic lanes in January to allow major roadway reconstruction work to proceed.

### **Discussion**

The City and County of Orange have been working cooperatively on the Moulton Smart Street Project over the past several years. Phase I work is about to start, and several actions are required to enable the work to proceed.

1. Amendment to allocate Measure M funds awarded to the City – Attachment A is a draft amendment to Agreement No. D03-071 with the County of Orange for implementation of the Moulton Parkway Smart Street project to allocate \$2.5 million of Measure M funds awarded to the City for the project by the Orange County Transportation Authority (OCTA). The amendment calls for the City to pay one-half the cost of monthly progress payments for phase 1 hardscape work up to \$2.1 million, and for phase 1 landscape work up to \$397,775. It requires the County to maintain its commitment to fund the balance of project improvements. The County has provided only

preliminary comments on the draft amendment; the final amendment may be changed slightly to reflect the County's final comments.

2. Contract for landscape architect services – David Evans and Associates, Inc. (DEA) is the landscape architectural firm that performed design work, prepared conceptual drawings, and developed bid plans and specifications for landscaping inside Laguna Woods Village proposed as mitigation for project property impacts. The County has asked the City to extend the contract with DEA to provide construction support services for phase 1 work, projected to cost \$25,605. Separately, the City is proposing to contract with DEA for landscape design of medians and parkways in public rights of way for the entire length of Moulton Parkway within the City. The City Council approved the award of a contract to RRM Design Group for this work in August 2009; however, the City and RRM could not reach a mutually satisfactory agreement after three months of negotiations. The contract cost of \$77,880 for design and \$29,760 for construction support services will be paid by the County from Moulton-Niguel road fees. Landscape installation in the public right of way will follow Phase 1 construction, probably in early 2011.
3. Resolution declaring portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde to be County highways during the period of construction of the Moulton Smart Street Project - The resolution (Attachment B) declaring portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde to be County highways during project construction is required by the County to have work performed by its contractors. County engineering and construction staff view these roadway portions to actually be City streets and consult closely with City staff on project issues as they arise. The roadway sections will return to City control after the County and City have accepted the project as complete.

### **Fiscal Impact**

This project is funded by the County through the Moulton-Niguel road fee program and by the City through \$2.5 million in Measure M grants. By agreement, the County has agreed to fund the balance of improvements for

the full Moulton Smart Street Project, from Via Campo Verde to Santa Maria Avenue.

**Conclusion**

The City and County of Orange have worked together over many years to design and build the Moulton Smart Street Project, from Via Campo Verde to Santa Maria Avenue. Construction of phase 1 of the project, from Via Campo Verde to 1,200 feet north of El Toro Road, is scheduled to begin by March 2009. Approval of the recommended actions will enable phase 1 work to proceed.

Approved:

  
\_\_\_\_\_  
Leslie A. Keane  
City Manager

Attachments:      A) Amendment No. 1 to Agreement No. D03-071  
                          B) Resolution

**DRAFT  
AMENDMENT NO. 1 TO  
AGREEMENT  
FOR THE  
IMPLEMENTATION OF MOULTON PARKWAY SMART STREET  
WITHIN THE CITY OF LAGUNA WOODS.**

**THIS AMENDMENT NO. 1 TO AGREEMENT FOR THE IMPLEMENTATION OF MOULTON PARKWAY SMART STREET WITHIN THE CITY OF LAGUNA WOODS (“Amendment No. 1”)** is made and entered into the \_\_\_\_\_ day of \_\_\_\_\_ 2009, by and between the **City of Laguna Woods**, a Municipal Corporation in the State of California herein after referred to as **“CITY”**, and the **County of Orange**, a political subdivision of the State of California hereinafter referred to as **“COUNTY”**.

RECITALS

**WHEREAS**, CITY and COUNTY entered into Agreement No. D03-071, dated July 26, 2005, to provide for certain construction obligations for the improvement of Moulton Parkway, between Via Campo Verde and Ridge Route Drive herein referred to as “Project”; and

**WHEREAS**, CITY and COUNTY have agreed to phase the construction of the Project so that phase I is defined as hardscape and landscape improvements from 300 feet south of Via Campo Verde to 1200 feet north of El Toro Road, and phase II is defined as hardscape and landscape improvements from 1200 feet north of El Toro Road to Ridge Route Drive; and

**WHEREAS**, CITY and COUNTY have further agreed to construct the Project’s hardscape improvements separately from the landscape improvements in phase I; and

**WHEREAS**, CITY has been allocated Measure M funds, in the amount of \$2,497,775.00, by the Orange County Transportation Authority (OCTA) for phase I improvements to the Project; and

**WHEREAS**, CITY has agreed to allocate two million, one hundred thousand dollars (\$2,100,000) from its Measure ‘M’ funds allocation to the construction of phase I of the Project; and

**WHEREAS**, CITY will allocate the remainder of its Measure M funds to the Project’s phase I landscape improvements to be made by County after completion of the Project’s phase I hardscape construction;

**NOW, THEREFORE**, it is mutually understood and agreed by CITY and COUNTY that Agreement No. D03-071 is hereby amended in the following particulars only:

1. CITY’s Obligations: Add the following as Section A.9 at page 3 of 7, under the CITY’s obligations:

“9. Will allocate a total of two million four hundred and ninety-seven thousand seven hundred and seventy-five dollars \$2,497,775.00 towards construction of phase I of the Project, to be divided between hardscape improvements (\$2,100,000) and landscape improvements (\$397,775). CITY shall pay 50% of invoices submitted by County for monthly progress payments with appropriate supporting documentation up to 90% of this allocation for hardscape improvements, or one million eight hundred ninety thousand dollars (\$1,890,000). CITY shall pay the remaining 10% allocation for hardscape improvements in the amount of two hundred ten thousand dollars (\$210,000) to COUNTY upon successful completion of the Project and receipt of final phase I Project hardscape cost information and an invoice from COUNTY for 50% of the final phase I hardscape invoice. CITY shall pay 50% of invoices submitted by County for monthly progress payments with appropriate supporting documentation up to 90% of this allocation for landscape improvements, or three hundred fifty-seven thousand nine hundred and ninety-seven dollars (\$357,997). CITY shall pay the remaining 10% allocation for landscape improvements in the amount of thirty-nine thousand seven hundred and seventy-eight dollars (\$39,778) to COUNTY upon successful completion of the Project and receipt of final phase I Project landscape cost information and an invoice from COUNTY for 50% of the final phase I landscape invoice. CITY will remit the respective payment within thirty (30) days of receipt of each invoice or after receipt of Measure M funds from the Orange County Transportation Authority. Any payments by the City of Measure M funds allocated to phase I Project hardscape and landscape improvements shall not

affect the County's commitment to fund the balance of Project improvements, as called for in this Agreement."

2. Counterparts. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

3. Full Force. Except as expressly set forth herein, the Agreement shall remain unmodified and in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 1 to Agreement No. D03-071 to be executed on the effective date above written.

City Laguna Woods,  
A Municipal Corporation

COUNTY OF ORANGE,  
A political subdivision of the State of  
California

By: \_\_\_\_\_  
Leslie A. Keane  
City Manager

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Date:  
\_\_\_\_\_

Date:  
\_\_\_\_\_

APPROVED AS TO FROM:

SIGNED AND CERTIFIED THAT A  
COPY OF THIS DOCUMENT HAS  
BEEN DELIVERED TO THE  
CHAIRMAN OF THE BOARD OF  
SUPERVISORS

By: \_\_\_\_\_  
Stephen A. McEwen  
City Attorney

Date:  
\_\_\_\_\_

\_\_\_\_\_  
Darlene J. Bloom  
Clerk of the Board of Supervisors of  
Orange County, CA

ATTEST:

ATTACHMENT A

\_\_\_\_\_  
Yolie Trippy  
Deputy City Clerk

Date: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:  
COUNTY COUNSEL  
ORANGE COUNTY, CALIFORNIA

By: \_\_\_\_\_  
Deputy

Date: \_\_\_\_\_

**RESOLUTION NO. 09-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DECLARING PORTIONS OF MOULTON PARKWAY, SANTA MARIA AVENUE, RIDGE ROUTE DRIVE, EL TORO ROAD AND VIA CAMPO VERDE, LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS, TO BE COUNTY HIGHWAYS DURING THE PERIOD OF CONSTRUCTION OF THE MOULTON SMART STREET PROJECT

**WHEREAS**, those portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde, from Ridge Route Drive to Via Campo Verde, lying within the City Limits of Laguna Woods are deemed to be highways of Countywide importance; and

**WHEREAS**, the City of Laguna Woods and the County of Orange propose to construct roadway improvements along Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde, hereinafter referred to as PROJECT; and

**WHEREAS**, the City of Laguna Woods and the County of Orange have entered into Agreement No. D99-100 and Agreement No. D03-071 to define responsibilities of the City and the County with respect to the PROJECT;

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

**SECTION 1.** Pursuant to the provisions of Section 1700, Article 3, Chapter 9, Division 2 of the Streets and Highways Code, all those portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde, from Ridge Route Drive to Via Campo Verde, lying within the City Limits of Laguna Woods are hereby declared to be County highways during the period of construction of the PROJECT by the County of Orange.

**SECTION 2.** The County of Orange Board of Supervisors adopted Resolution No. 09-100 on June 23, 2009 to declare those portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde, from Ridge Route Drive to Via Campo Verde, lying within the City Limits

of Laguna Woods to be County highways during the period of construction of the PROJECT by the County of Orange.

**SECTION 3.** This declaration shall take effect upon the City’s consent and at the commencement of construction, and shall remain in full force and effect until a Notice of Completion for construction of the PROJECT has been filed with the Clerk of the Board of Supervisors, and the Orange County Board of Supervisors and the Laguna Woods City Council each passes a resolution declaring that those portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde, from Ridge Route Drive to Via Campo Verde, lying within the City Limits of Laguna Woods are no longer County highways, and such resolutions have been filed with the Clerk of the City of Laguna Woods and the Clerk of the Board of Supervisors, respectively.

**SECTION 4.** The Deputy City Clerk is hereby authorized to forward a certified copy of this Resolution to the Orange County Board of Supervisors.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of December 2009.

\_\_\_\_\_  
ROBERT B. RING, 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. 09-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 2009, by the following vote:

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

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YOLIE TRIPPY, Deputy City Clerk