

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
January 18, 2012
2:00 P.M.

I. CALL TO ORDER

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

II. FLAG SALUTE

Councilmember Rhodes led the flag salute.

III. ROLL CALL

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

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Building
 Official Gates, Community Services Manager Foley; Deputy City
 Clerk Trippy; City Attorney Cosgrove

IV. PRESENTATIONS

Mayor Connors announced that Item 4.1 will be deferred later in the meeting because Mr. Inouye has been delayed due to technical problems he has encountered with his electronic presentation.

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

Councilmember Rhodes requested to remove Item 6.1 from the Consent Calendar.

Moved by Councilmember Rhodes, seconded by Mayor Pro Tem Ring, and carried unanimously to approve Consent Calendar Items 6.2 – 6.9.

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 November and December 2011 monthly Treasurer's Reports.

6.4 Warrant Register

Approved the January 18, 2012 Warrant Register in the amount of \$755,470.44.

6.5 Amendment No. 1 to OCTA Agreement No. C-0-1692 (Traffic Light Synchronization on El Toro Road)

Approved Amendment No. 1 to Agreement No. C-0-1692, an agreement between the Orange County Transportation Authority and City of Laguna Woods for coordination of traffic signals on El Toro Road, and authorize the City Manager to execute the amendment, subject to approval as to form by the City Attorney.

6.6 City Hall HVAC Project

Rejected bids received, reconfigure project specifications and rebid.

6.7 Government Accounting Standards

Approved Resolution No. 12-01 confirming the City's compliance with Governmental Accounting Standards Board Statement No. 54, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE COMMITMENT OF FUND BALANCES IN ACCORDANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

6.8 Criminal History Information

Approved Resolution No. 12-02 authorizing the City to access summary criminal history information for employment, licensing and certification, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING ACCESS TO STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR CERTAIN EMPLOYMENT AND LICENSING PURPOSES

6.9 Disaster Related Debris Management Services

Approved an agreement with Ashbritt, Inc. for disaster-related debris services; and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

Mayor Connors recognized Councilman Rhodes and asked for his comments on the following item:

6.1 City Council Minutes

Councilmember Rhodes noted a correction in Item 12.2 pertaining to his report on a meeting he attended with Orange County Transportation Authority. The correction should indicate that the survey conducted by OCTA resulted in 82-95% of comments in favor of services. Councilmember Rhodes stated that he may have misspoken.

Moved by Councilmember Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve Item 6.1, as amended.

VII. PUBLIC HEARING

7.1 Temporary Uses and Special Events Regulations

City Manager Keane summarized the agenda report and discussed how the new standards would apply to building modifications versus building maintenance. The three zones are located within the open space or in the Laguna Woods Village, and the standards would apply primarily to renovations since the Village is fully developed. She noted that concerns have been raised regarding costs associated with the new standards; however, City staff and OCFA believe that the additional cost is far outweighed by safety. She asked Building Official Gates to discuss some of the proposed materials and methods recommended.

Building Official Gates discussed the difference in materials required for modifications to roofing and venting as it applies to very high, high, and moderate zones. Materials for patios and decks apply to very high fire and high hazard zones. The new regulations would require additional costs for sloped and tiled roofs and renovations to wood patio covers.

City Manager Keane asked for clarification that the standards apply only if a minimum of 75% of the patio is replaced or a new one is installed. Building official gates concurred. She reiterated the difference between maintenance and modification or new construction.

City Manager Keane announced that the Land Use and Design Review Committee had discussed this item at its January 12, 2012 meeting and voted 7 to 1 to recommend approval. The one opponent felt that he did not have sufficient information to make a determination.

Mayor Pro Tem Ring asked if stone placed on paper sheathing for roofing is acceptable.

Building Official Gates concurred that it is; only roofs with gaps or valleys where embers can enter would be subject to the new regulations.

Mayor Connors stated that many of the units are multi-family dwellings and that a fire in a single area can have a devastating impact. The use of fire retardant materials, in her opinion, will have added benefits.

The public hearing was opened.

Corkey Ely, resident, stated that the new standards affect the Village and particularly

Third Mutual. She noted that Third Mutual has recorded common area agreements, which allow residents to build in common areas. Ms. Ely discussed her concerns on the effects of taxes and expenditures by the homeowner associations in the Village that go against the Village Conditions, Covenants and Restrictions (CC&Rs).

City Attorney Cosgrove clarified that the proposed ordinances will related to future building permits and that existing construction is not affected. He noted that the activities of the homeowner associations with respect to fees and charges are not within the City's purview.

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

Councilmember Hack indicated that the focus of discussion is safety and he would also like to express his concerns regarding an earthquake in the City. He asked if there was a status report available.

City Manager Keane stated that the City is currently involved in hazard mitigation planning for fire, earthquakes and flooding and that staff can provide a status report at a future Council meeting.

Mayor Pro Tem Ring stated his belief that the proposed fire hazard zone regulations are needed. He hopes that the proposed regulations will help limit how quickly the fire spreads.

Councilmember Rhodes stated that reconstruction is under way to a unit affected by a recent fire and asked if the new regulations would apply and how it would be enforced by the City.

City Manager Keane clarified that the fire to which Councilman Rhodes was referring occurred in United Mutual, and that the proposed hazard zones do not apply to that area. She noted that the new standards can prevent embers from spreading to another building but generally will not prevent a fire from spreading from one unit to another in a multifamily structure.

Moved by Councilmember Robbins, seconded by Councilmember Rhodes, and carried unanimously to adopt **Ordinance No. 12-01** establishing a very high fire hazard severity zone map, entitled:

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

Moved by Councilmember Robbins, seconded by Councilmember Rhodes, and carried unanimously to introduce and first reading of an ordinance establishing high and moderate fire hazard severity zone maps and materials and methods standards for new construction and building modifications in fire hazard severity zones, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTERS 10.08, 10.13 AND 10.22 OF
THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO
MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR
WILDFIRE EXPOSURE

7.2 Community Development Block Grant (CDBG)

City Manager Keane introduced Community Services Manager Foley who summarized the agenda report. Staff proposes that the City apply for competitive CDBG funds to continue the City's Energy Efficiency Improvement Program (\$150,000) for low income seniors. In addition, staff is proposing two Public Facilities and Improvements Projects: 1) Phase II of the Flood Study (\$200,000), which would identify the cost/benefit for potential mitigation projects, and identify future government funding sources to help mitigate flooding in the City and 2) Phase V of the City Hall/Library Site Improvements (\$125,000), which would mitigate flooding and enhance access to city hall during periods of inclement weather. He noted a correction regarding the environmental determination Site which should read categorically exempt under Section 15301 of the California Environmental Quality Act.

Councilmember Hack stated that both projects are valid. He discussed the development of the storm drains and their current inability to withstand heavy storms.

City Manager Keane concurred with Councilmember Hack that the drains were developed for the Leisure World community; subsequent growth in South County has overtaxed the systems. She discussed the plans of Phase I and II of the study and stated that the Laguna Woods Village has made some improvements to the drains and City staff is hopeful that Phase I will build on that for an affordable solution.

Councilmember Hack stated that the situation may be a regional issue that may not be easily resolved; however, providing an understanding would be excellent. He further noted that with the possibility that the project might require multiple jurisdictions, perhaps a joint application for grant funds can be submitted.

City Manager Keane stated that staff has considered a regional project with the Flood Control District. The District typically takes on large regional projects. She noted that it is staff's recommendation that Council consider Phase II of the Flood Study as its first priority when identifying Public Facilities and Improvements Projects.

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

Moved by Councilmember Hack, seconded by Councilmember Robbins, and carried unanimously to prioritize project proposals and authorized staff to submit applications to the County of Orange for funding consideration under the federal Community Development Block Grant (CDBG) Program:

1. Rehabilitation Projects:

First Priority: Energy Efficiency Improvements Project (\$150,000) to continue providing low income seniors with dual pane low-e glass windows, heat pumps, ceiling fans and other related energy efficient improvements.

2. Public Facilities and Improvements Projects:

First Priority: Phase II of the Flood Study (\$200,000) will develop cost benefit analysis for potential mitigation projects and identify government funding sources.

Second Priority: Phase V of the City Hall/Library Site Improvements for the design and installation of an 18" storm drain (\$125,000) to mitigate flooding on the City Hall/Library site.

Mayor Connors announced that Mr. Inouye has arrived to provide the Orange County Human Relations Annual Report.

IV. PRESENTATIONS Cont.

4.1 Orange County Human Relations Commission Annual Report: Commissioner Kenneth Inouye

Commissioner Inouye provided hand outs. He reported that the Commission arbitrated 53 cases during 2011, including one resident from the City of Laguna Woods. He was pleased to announce that there were no reports of hate crimes or incidents in the City within this period.

Councilmember Hack asked Mr. Inouye to characterize the incident from Laguna Woods.

Mr. Inouye stated that he could not comment specifically, however, they generally deal with rent cases or neighbor disputes regarding trees.

Councilmember Hack stated that if that is the character of the complaints, he is not concerned because it is common. He would be concerned if the nature of the character was more personal.

City Manager Keane noted that the City has referred merchant-resident disputes to the Commission.

Mayor Connors noted that she is aware of anti Semitic remarks that have circulated in the City and she encouraged residents not only to avoid participating in such conversations, but to stand up for their beliefs.

Commissioner Inouye commended the Council for their strong diverse leadership, which goes a long way in building civility within the community.

VIII. CITY COUNCIL

8.1 Advisory Committee Appointments

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

Land Use and Design Review Committee

Marilyn Glick, nominated by Mayor Connors

Public Safety Committee

Dick Whitehead, nominated by Councilmember Hack

City Manager Keane announced that one vacancy still remains for the Public Safety Committee (Hack) and one for the Community Services Committee (Connors).

IX. CITY MANAGER

9.1 Phase I Flood Study (Community Development Block Grant Flood Study Project)

City Manager Keane summarized the agenda report and noted that lowest bidder, Tetra Tech, submitted a significantly lower bid than expected due to the state in the economy. The transfer of \$62,000 in surplus funds from the Phase I Flood Study will ensure that the City has adequate funding to complete anticipated City Hall accessibility improvements.

Moved by Councilmember Hack, seconded by Councilmember Rhodes, and carried unanimously to:

- A. Award a contract to Tetra Tech, Inc. in the amount of \$57,504, plus authorized change orders not to exceed 8% of the base amount; and authorized the City Manager to execute the contract and approve change orders, subject to approval as to form by the City Attorney.
- B. Authorized staff to request that the County transfer \$62,000 in Community Development Block Grant (CDBG) funds allocated to the Laguna Woods Phase I Flood Study to the Laguna Woods City Hall Accessibility Project.

Councilmember Rhodes asked about the total unfunded balance of the City Hall project.

City Manager Keane responded that with the additional funding there is approximately a \$28,000 shortfall. Staff believes that due to the current economic situation, actual bids for the project will be less than the City Engineer's initial estimate; however the bid specifications will include alternates for work to be completed so that items can be deleted if there is insufficient funding.

Councilmember Rhodes asked if the lighting and paving of the City Hall parking lot will be included.

City Manager Keane stated that work is not included in the CDBG project budget. She noted that Community Services Manager Foley has the previously approved plans available if any of the Councilmembers wish to review them.

Mayor Connors asked if the project would include diverting water away from City Hall.

City Manager Keane stated that would be included in the next phase which Council approved earlier in the agenda.

9.2 Midyear Budget Review

City Manager Keane provided an update on the revenues and expenditures based on current date. She noted that it is difficult to predict revenues since receipts from the state are not timely, but that expenditures are on track. Staff recommends two mid-year modifications: 1) the addition of a \$132,000 Supplemental Law Enforcement Fund budget, reflecting funding from the state for this program and 2) \$75,000 in Fiscal Year 2010-11 carryover funding for the community services grant program.

Moved by Mayor Pro Tem Ring, seconded by Councilmember Hack, and carried unanimously to approve the staff recommendations as presented.

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Mayor Hack)

Councilmember Hack discussed the results of the John Wayne Airport development impact fee appeal. The vote was 11 to 3 to reject the appeals. He hopes that the County will resolve the issue.

Mayor Connors discussed an event she witnessed as a motorist attempted to conceal his identity to withhold from having to pay his toll and asked if such an incident can be reported.

Councilmember Hack stated that it is unfortunate that people go through such great lengths to get out of paying their tolls which in turn is a burden to those who do pay.

10.2 Orange County Library Board (Councilmember Robbins)

Councilmember Robbins announced that the meeting was cancelled and rescheduled for February 2, 2012. He reported that the Orange County Public Library Laguna Woods branch will have a digital book mobile at City Hall on Saturday, February 4, 2012 from 10 a.m. – 4 p.m. He encouraged residents to attend the event.

Councilmember Rhodes asked if there has been any discussion or attempt to downsize the library system.

Councilmember Robbins stated that the Board always considers how do business with less resources and that the digital mobile is a way to provide information to more people.

10.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes stated that the next meeting is January 26, 2012.

10.4 Southern California Water Committee (Mayor Hack)

Councilmember Hack stated that the next scheduled quarterly meeting is January 27,

2012. Ongoing discussions will continue regarding the Delta.

- 10.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)
Mayor Conners stated that the next meeting is tomorrow at City Hall.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes stated that no meeting was held and that the next meeting is February 9, 2012.
- 10.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins stated that the next meeting is tomorrow and the agenda will include statistics. He reported that in the past month there have been no dead birds in the City but some in the adjacent cities. Ten (10) human cases of the West Nile virus have been reported in Orange County, but all those affected survived and none of the cases were nearby.

XI. PUBLIC COMMENTS

Barth Massey, Orange County Sheriff's Office, stated that he likes the convenience of being able to download books on-line through the Orange County Public Library system.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

- 12.1 Reports on Meetings Attended per Government Code §53232.3 – None
- 12.2 Other Meetings, Comments and Announcements

Councilmember Rhodes reported on a meeting he attended at the Water Advisory Committee of Orange County (WACO), which highlighted a presentation by Ms. Freidenrich pertaining to the Teter Plan and the County of Orange's pooled investments.

Councilmember Hack attended the WACO meeting in January and reported on existing problems in the Santa Ana Watershed, discussions regarding whether or not the Delta should be fresh water or salt water and the potential for a tunnel to bring water to Southern California.

Mayor Conners reported on the last Waste Management Commission meeting and new legislation: 1) AB341, which imposes a statewide goal of 75% waste diversion by 2020 and 2) AB818, which requires recycling opportunities for multi-family residences of five (5) units or more. She also noted a proposed legislation that would outlaw styrofoam by 2016. She announced that the City is hosting the Mayor's Breakfast tomorrow, which includes presentations regarding new legislation and the Laguna Coast wildlife corridor.

Mayor Conners requested that the meeting be adjourned in honor of Martin Luther King, Jr.

XIII. CLOSED SESSION – None

XIV. ADJOURNMENT

The meeting was adjourned at 3:39 p.m. in honor of Martin Luther King, Jr. The next regular meeting will be at 2:00 p.m. on Wednesday, February 15, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: February 15, 2012

CYNTHIA S. CONNERS, Mayor