

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
February 17, 2010
2:00 P.M.**

I. CALL TO ORDER

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

II. FLAG SALUTE

Councilmember Ring led the flag salute.

III. ROLL CALL

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

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

IV. PRESENTATIONS

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

Commissioner Inouye reviewed the Human Relations Commission’s Annual Report for 2008-2009, including one finding directly related to Laguna Woods. He presented an award of recognition to Mayor Robbins, on behalf of the City, for promoting a safe and inclusive community in partnership with the Human Relations Commission.

4.2 2010 United States Census: Rich Dixon, U.S. Census Partnership Representative

Mr. Dixon provided a PowerPoint presentation outlining the purpose and procedures for the 2010 Census. He cautioned that Census workers will only ask for the information on the form and can be identified by their official ID badge. Anyone who needs assistance completing their forms can call the Regional Census Center at (818) 267-1700 or obtain a copy in 20 languages at www.Census2010.gov.

Mayor Pro Tem Hack discussed discrepancies with the 2000 Census and demographic considerations specific to Laguna Woods. He asked how individuals with a residence in Laguna Woods and a second residence someplace else are counted.

Mr. Dixon responded that the forms ask for an individual’s location on April 1, 2010.

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Mayor Pro Tem Hack asked how the Census addresses those individuals who do not want to participate due to their citizenship status.

Mr. Dixon responded that the Census Bureau does not discriminate based on citizenship and that the main objective is to bring more federal funds to communities.

Councilmember Connors questioned the rationale for not providing photo identification for Census workers.

Mr. Dixon indicated that Census worker identities can be verified by calling the Regional Census Center at (818) 267-1700.

Councilmember Rhodes asked if each household member is required to complete a form.

Mr. Dixon responded that only one form is required per household of up to 20 people.

Demi Moriarty, resident, asked if temporary residents would benefit the City.

Mr. Dixon reiterated that April 1, 2010 is the date of the Census. Individuals should list their location on that date as their address.

Mayor Robbins thanked Mr. Dixon for his informative presentation and assured him that the City will do its best to ensure the maximum response from its residents.

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

City Manager Keane requested that Item 6.6 (El Toro Road/Moulton Parkway Intersection Improvements) be removed from the Consent Calendar and returned at the March 2010 meeting.

Moved by Councilmember Ring, seconded by Mayor Pro Tem Hack, and carried unanimously to approve Consent Calendar Items 6.1-6.5.

6.1 City Council Minutes

Approved the minutes from the January 20, 2010 regular meeting.

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

6.3 Treasurer's Report

Received and filed the January 2010 monthly and Fiscal Year 2009-10 Second Quarter Reports.

6.4 Warrant Register

Approved the February 17, 2010 Warrant Register in the amount of \$517,370.71.

6.5 City Centre Park Landscape Architect

Awarded a contract to Lynn Capouya, Inc. for landscape architectural services for City Centre Park in an amount not to exceed \$58,476 plus 15% for change orders, and authorized the City Manager to execute a contract, subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL

8.1 Community Member Safety (agendized by Mayor Pro Tem Hack)

Mayor Pro Tem Hack proposed that, in light of the recent fires, the Public Safety Committee conduct hearings on fire safety, second hand smoke, hoarding and other issues where the rights of the individual may impinge on the rights of the community. He noted that he understood that the City may not be able to address all of the issues, but that he would like to begin an open discussion.

Councilmember Connors supported Mayor Pro Tem Hack's suggestion. She would like staff to include the Board of Directors for the Laguna Woods Village Mutuals and the Laguna Woods Village Social Services Department in discussions. She noted that the City may have limited authority to enforce some of the issues.

City Manager Keane explained that the Public Safety Committee has actively researched hoarding issues for the past year. She reminded the City Council that staff has researched and proposed banning smoking on patios and balconies in the past. She indicated that the City Attorney's budget has no extra funds to cover extensive research and that additional funds would need to be allocated to cover those costs.

Mayor Pro Tem Hack supported allocating funds for the City Attorney to provide advice to the Public Safety Committee.

City Manager Keane asked for clarification on the desired role of the City Attorney.

Mayor Pro Tem Hack clarified that his intent is to have the City Attorney available to offer legal opinions, as necessary.

City Manager Keane asked for confirmation that the City Council does not intend for the City Attorney to direct the process, but rather, for staff to forward any questions to him and request his attendance at meetings, as necessary.

Mayor Pro Tem Hack concurred with City Manager Keane's description of the role of the City Attorney and proposed inviting first-responders to provide input on safety issues. He would like the discussion to be broad-based.

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Councilmember Ring suggested that most of the associated legal issues would relate to constitutionality and asked City Attorney McEwen for an estimated cost of services.

City Attorney McEwen stated that he has some information readily available relating to the smoking issue from the City Council's previous inquiries and that he is familiar with hoarding issues from working with other city code enforcement departments.

Mayor Pro Tem Hack asked City Attorney McEwen how other cities address an individual's competency as it relates to public safety.

City Attorney McEwen stated that cities do not typically get involved in such issues and, instead, deal with property maintenance issues through a code enforcement process. He noted that if conditions inside a home are such that it renders the property substandard or dangerous, there are health and safety codes that can be applied.

Councilmember Connors indicated that in light of budget issues, she supports gathering information first, then addressing the City's legal rights. She noted two incidents that she has been made aware of: (1) a rodent/cockroach infestation as a result of hoarding, and (2) a resident who threatened anyone attempting to enter his home with a firearm. She explained that the City's authority to intrude on personal issues are typically limited and require exigent circumstances.

City Attorney McEwen stated that his research on this issue could likely be covered by the monthly retainer. If the Public Safety Committee had additional inquiries, staff would be made aware of the cost before proceeding.

City Manager Keane suggested that the Public Safety Committee hold public hearings with various agencies, including the Fire Authority and Adult Protective Services. After framing a general direction, staff would ask the City Attorney for guidance.

Mayor Pro Tem Hack agreed with City Manager Keane's proposal.

Councilmember Rhodes discussed his support for this effort and stated that he would support residential safety inspections, if that were the outcome of these discussions.

Councilmember Connors discussed her support for this effort and suggested that the attorney for Laguna Woods Village be included in the discussions.

City Manager Keane talked about the work that the Public Safety Committee's Hoarding Subcommittee has done. She discussed legal concerns associated with interior property maintenance standards and a lack of support for escalated enforcement from contract service providers. Ultimately, right-of-entry must be obtained through the court system.

Councilmember Ring noted that the problems discussed today are of general concern and not solely due to age. He believes it would be beneficial to work on one issue at a time.

Mayor Pro Tem Hack noted that safety in a person's home may impact public safety.

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Councilmember Ring noted some difference of opinion amongst the City Council, as to whether safety is best addressed on a personal or legislative level.

Mayor Pro Tem Hack reiterated his feelings that a broad discussion would be valuable to the community and that it may not necessarily result in the adoption of an ordinance.

Councilmember Ring suggested that the Public Safety Committee review a tape of the City Council's discussion and make recommendations to staff. He is opposed to having staff conduct research, if the Committee is not interested in pursuing the issues.

City Manager Keane suggested that the Committee could brainstorm a list of public safety issues that they feel are important and then report back to the Council.

Mayor Pro Tem Hack was agreeable to City Manager Keane's suggestion and noted that he reserves the right to vote against the Committee's recommendations.

Mayor Robbins stated that a motion is not required on this issue and that staff has been given sufficient direction to proceed.

IX. CITY MANAGER

9.1 Fiscal Year 2009-10 Mid-Year Budget Review

City Manager Keane summarized the agenda report.

Councilmember Connors asked if the recreational bus trips are self-sustaining.

City Manager Keane stated that participants pay for lunch and any entry fees. The City pays for the bus at a cost of \$800-\$1,000 per trip.

City Manager Keane discussed the storm-related damage to El Toro Road. She informed the City Council that the previous day's storm caused additional damage.

Councilmember Connors asked if FEMA funds are available to repair the road.

City Manager Keane confirmed that staff has applied for disaster funds, but that it is not certain we would receive anything.

Councilmember Rhodes asked about the effects of limiting planning counter hours to 8 a.m. to 12 p.m. He stated that he has been informed that delays caused by the City have been an ongoing problem for residents of Laguna Woods Village.

City Manager Keane explained that the City adheres to a strict process for new projects and is not the cause of unreasonable delays. Staff is proposing to enforce the planning counter hours that already exist.

Councilmember Rhodes asked how public safety would be affected by staff's proposed \$15,000 reduction.

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City Manager Keane noted that the \$15,000 reduction is due to a contractual change to the City's emergency alert system that will not affect the service level.

Councilmember Rhodes stated that he would be supportive of eliminating the airport taxi voucher program to offset the \$200,000 program deficit. He believes that the general travel and non-emergency medical vouchers are a greater necessity.

City Manager Keane clarified that making any changes prior to the current vouchers' expiration date of June 30, 2010 might be difficult since many residents have already purchased their vouchers for travel later in the fiscal year. She suggested that no changes be made until Fiscal Year 2010-11.

Councilmember Ring asked for clarification on the amount of the community services grants listed in the staff report.

City Manager Keane stated that the grant awards run on a calendar year basis and that the last quarter payment of the grants is carried over to the following fiscal year.

Councilmember Ring asked about the status of the 2010 community services grants.

City Manager Keane indicated that some of the grant recipients have received their first quarter check, but that two contracts have not yet been finalized.

Councilmember Ring asked if a portion of those funds could be suspended or reduced.

City Manager Keane stated that the grant recipients have already budgeted their programs based on the grant awards. She suggested that the City Council wait to consider program reductions until the calendar year 2011 program.

City Manager Keane noted that staff is recommending that the City not proceed with the implementation of the transportation coordinator position and that Council would need to take formal action on this matter.

Moved by Councilmember Ring and seconded by Mayor Pro Tem Hack to reject the Orange County Transportation Authority (OCTA) grant to hire a mobility coordinator.

Councilmember Connors asked for clarification on the grant amount and the amount of matching funds required by the City.

City Manager Keane responded that the City has been awarded \$184,000 for a two-year program that would require matching funds of \$23,000 per year.

Councilmember Connors asked when the City would need to pay the matching funds.

City Manager Keane stated that it would be almost immediately.

As previously moved by Councilmember Ring and seconded by Mayor Pro Tem Hack, the Council voted unanimously to reject the OCTA grant to hire a mobility coordinator.

Mayor Pro Tem Hack stated that he is near the end of his travel budget and proposed to increase the travel budget for each Councilmember from \$1,000 to \$1,500.

Moved by Councilmember Rhodes and seconded by Councilmember Conners to transfer \$500 of Councilmember Rhodes' travel budget to Mayor Pro Tem Hack. There was no second to the motion.

City Manager Keane suggested that the \$500 be allocated from the Council Contingency account.

Councilmember Conners asked what happens to unused travel budgets.

City Manager Keane responded that they are rolled into the General Fund balance.

Councilmember Ring moved to keep an overall budget of \$5,000 for City Council travel, but to allow the budget to be expended on a first-come-first-serve basis.

City Manager Keane indicated that a motion is not necessary.

The City Council expressed their consensus for Councilmember Ring's suggestion.

Councilmember Conners thanked City Manager Keane for her budget presentation and moved to approve Resolution No. 10-02, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, AMENDING RESOLUTION 09-13
AND THE FISCAL YEAR 2009-2010 BUDGET

Mayor Pro Tem Hack inquired as to the total annual expenditures for the airport taxi voucher program.

City Manager Keane reiterated that the City Council is not being asked to act on the taxi voucher program. Modifications could be considered for the next fiscal year.

Councilmember Ring requested a detailed review of staff's list of policy considerations, which included reinstatement of the cable franchise fee.

City manager Keane noted that these are issues the City Council can consider at this time or later.

Cris Robinson, on behalf of the Golden Rain Foundation, inquired about the possible reinstatement of the cable television franchise fee.

City Manager Keane stated that the resolution only implements the budget changes that staff has proposed. Reinstatement of the cable television franchise fee is not included.

Mayor Pro Tem Hack explained that the City is required to provide 18 months notice of

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the reinstatement of the cable television franchise fee. During that time, the City's economic situation could improve and the City Council could choose not to reinstate it.

Ms. Robinson asked if a separate motion would be required if the City Council chooses to act on it today.

City Manager Keane confirmed that it would.

As previously moved by Councilmember Conners, seconded by Mayor Pro Tem Hack, and carried unanimously to approve Resolution No. 10-02, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING RESOLUTION 09-13 AND THE FISCAL YEAR 2009-2010 BUDGET

Councilmember Ring suggested holding a public hearing regarding the cable television franchise fee, in order to make sure that the community is aware. He noted that the fee would not be effective until the year 2012.

City Manager Keane suggested that the issue could be brought back in March for further discussion.

Councilmember Ring suggested returning discussion of the taxi voucher program as soon as possible in order to allow time to make residents aware of any possible modifications.

City Manager Keane suggested returning the item in April, noting that in light of upcoming contract negotiations with the City's taxi provider, staff will have more pertinent information to present to the City Council at the April 2010 meeting.

Councilmember Conners asked if the City keeps statistics on individuals who participate in the taxi voucher program who are under 70 years of age.

City Manager Keane stated that the data is not kept to avoid claims of age discrimination. The age requirement to participate in the program was previously lowered to 60.

City Manager Keane discussed the proposed capital improvement project for the Woods End Nature Preserve. The project would hopefully be the last step before placing the land into the Laguna Coast Wilderness Park.

Councilmember Ring asked if funds are available for the project.

City Manager Keane stated that development in-lieu fees would be used.

Mayor Pro Tem Hack noted that failure to proceed would result in loss of the in-lieu fees.

Moved by Mayor Pro Tem Hack, seconded by Councilmember Conners, and carried unanimously to establish a capital improvement project budget for the completion of Woods End Nature Preserve in the amount of \$25,987.

City Manager Keane announced that the City's Chief of Police Services, Lieutenant Bill Griffin, has been promoted. Lieutenant Chuck Wilmot is his replacement.

Lieutenant Griffin made brief remarks and thanked the City Council and staff for their support over the past four years.

Lieutenant Wilmot introduced himself and discussed his background.

X. CITY ATTORNEY'S REPORT – None

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Mayor Pro Tem Hack)

Mayor Pro Tem Hack announced that construction on the 241 Toll Road at the intersection of the 91 freeway is underway and expected to last one year. Ridership on the toll roads and revenue has decreased at this time, although, revenue is expected to improve once the transition lane is complete.

11.2 Orange County Library Board (Mayor Robbins)

Mayor Robbins stated that there was no meeting.

11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes attended a meeting where OCFA's proposed operations budget was discussed. A recent weekly report cited Laguna Woods Station 22 with a 98% satisfactory rating from its residents. The station also received a Unit Citation Award at OCFA's Best and Bravest 2009 Award Ceremony.

11.4 Southern California Water Committee (Mayor Pro Tem Hack)

Mayor Pro Tem Hack discussed the initiative ballot proposal for water. He also talked about continuing environmental issues associated with importing water into southern California.

11.5 Coastal Greenbelt Authority (Councilmember Connors)

Councilmember Connors stated that there was no meeting.

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes announced the retirement of Michael Pinto as President of the Board Directors and the election of new directors.

11.7 Vector Control District Board (Board Member Bouer)

Board Member Bouer stated that there are no vector problems in the City and encouraged

residents to clear any standing water from the recent rainfall to avoid attracting vectors.

XII. PUBLIC COMMENTS

Marilyn Sortino, resident, voiced support for a collaborative effort between the Public Safety Committee and Laguna Woods Village to discuss fire and other safety issues. She pointed out that similar efforts proved to be effective on the City's recycling program.

Mayor Robbins congratulated Councilmember Connors on her recent appointment to the Orange County Waste Management Commission.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3)

- A. OC Division/League of California Cities Meeting, February 11, 2010 (Robbins, Rhodes)
- B. CA League of Cities Policy Committee, January 22, 2010 (Hack)
- C. OCFA Awards Dinner, February 4, 2010 (Rhodes)

XIV. CLOSED SESSION – None

XV. ADJOURNMENT

The meeting was adjourned at 4:19 p.m. The next meeting will be at 2:00 p.m. on March 17, 2010 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California.

YOLIE TRIPPY, Deputy City Clerk

Adopted: March 17, 2010

MILT ROBBINS, Mayor