

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
March 21, 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 Robbins led the flag salute.

III. ROLL CALL

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

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

IV. PRESENTATIONS – None

V. CITY COMMENDATIONS AND PROCLAMATIONS

Moved by Mayor Pro Tem Ring, seconded by Councilmember Robbins, and carried unanimously to approve City Commendations and Proclamations:

5.1 Commendation – Investigator Barth Massey

City of Laguna Woods Administrative Sergeant Mathew Barr made brief remarks regarding Investigator Massey’s history and service with law enforcement and the Orange County Sheriff’s Department. Mayor Connors presented the Certificate of Commendation to Investigator Massey and thanked him for his dedicated service for protecting the community.

5.2 Proclamation – Parkinson’s Awareness Month

Mayor Connors presented the Proclamation to Larry Strauss, resident and member of the Laguna Woods Parkinson’s Can Do Club; Bob Barry, resident and new President of the Can Do Club; Donna Hanna-Chase, member of the Board of Director for Orange County American Parkinson’s Disease Association (APDA); and Kelly Joaquin, group leader for Orange County APDA. Mr. Strauss made brief remarks and thanked Mayor Connors and the Council for raising awareness for such a worthy cause.

5.3 Proclamation – National Donate Life Month

Mayor Connors announced that the annual Donate Life 5K Run and Health Fair will take place on April 28th at California State University Fullerton. She made brief remarks and encouraged the public to consider donating organs and to join her at the event to support a cause that saves lives.

Councilmember Rhodes introduced the new Laguna Woods Fire Division Chief Bryan Brice.

Chief Bryce announced that he has been working with staff since January 2012 on various public safety outreach issues. He encouraged the Council and residents to visit him at his office in Aliso Viejo and noted that he looks forward to serving the community.

VI. CONSENT CALENDAR

City Manager Keane announced that staff has additional information regarding Item 6.11 and requested the item be removed from the Consent Calendar for further discussion.

Moved by Mayor Pro Tem Ring, seconded by Councilmember Robbins, and carried unanimously to approve Consent Calendar Items 6.1 – 6.10 and 6.12.

6.1 City Council Minutes

Approved the minutes from the February 15, 2012 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 Reports

Received and filed the February 2012 monthly Treasurer’s Report.

6.4 Warrant Register

Approved the March 21, 2012 Warrant Register in the amount of \$376,458.45.

6.5 Sign Regulations

Adopted **Ordinance No. 12-03** modifying existing 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

6.6 Claims for Money and Damages

Adopted **Ordinance No. 12.04** modifying existing procedures for filing a claim with the

City, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 3.04.010 OF THE LAGUNA WOODS MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY

6.7 City Attorney

Approved an agreement with the law firm of Rutan & Tucker, for the continued provision of city attorney services through June 30, 2013.

6.8 City Hall HVAC Project

Awarded a contract to Allied Mechanical Air Systems, Inc. in the amount of \$9,294, plus change orders not to exceed 10% of the base amount; and authorized the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

6.9 City Hall HVAC Electrical Connections

Awarded a contract to American Electric Company in the amount of \$7,085, plus authorized change orders not to exceed 15% of the base amount; and authorized the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

6.10 EL Toro Road/Aliso Creek Road Project, Phase II

A. Approved Amendment No. 1 to Orange County Transportation Authority (OCTA) Cooperative Agreement No. C-1-2628 for the El Toro Road/Aliso Creek Road Project, Phase II, subject to approval as to form by the City Attorney.

B. Approved an agreement with the City of Laguna Beach for construction of El Toro Road/Aliso Creek Road Project, Phase II; and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.12 Pedestrian and Landscape Maintenance Easement: City Centre Park

Approved a pedestrian and landscape maintenance easement for the portion of City Centre Park owned by the Ayres Hotel; and direct the City Clerk to have the easement recorded.

Following approval of the consent calendar, City Manager Keane noted that Exhibit A of the agreement for item 6.11 was not included in the agenda packet so staff asked for it to be removed.

6.11 Assistant City Manager Reilly to discussed the proposed agreement and noted that it would allow the City and County to continue Phase II of the Moulton Smart Street Project. The Orange County Transportation Authority and the County of Orange have

allocated funds for a combined total of \$6.842 million for the project. The City is working on finalizing the agreement to acquire the required land from the Village. The County expects to go out to bid on the project in the fall of 2012, and work is expected to begin in mid-spring 2013.

Mayor Connors asked how long the project is expected to last.

Assistant City Manager Reilly stated that the project is expected to last a little over a year.

Moved by Mayor Pro Tem Ring, seconded by Councilmember Robbins, and carried unanimously to approve an agreement with the Orange County Transportation Authority and the County of Orange for State-Local Partnership Program funding for the Moulton Smart Street Project, Phase II; and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney, as amended.

VII. PUBLIC HEARING

7.1 Construction and Demolition Regulations

Assistant City Manager Reilly summarized the agenda report and noted that the proposed ordinance would affect the issuance of City building permits. Projects generating less than three cubic yards of waste would be exempt, as well as waste generated from emergency work. The proposed ordinance would require building construction projects that are estimated to generate more than three cubic yards of waste to provide a deposit based on the estimated waste. Deposits would be refunded if the project complied with certain requirements, which include appropriate disposal of waste.

Mayor Connors asked if the changes have been suggested by staff or building permittees.

Assistant City Manager Reilly stated that the issue came from both the contractors and staff. In the past, contractors were required to complete paperwork for small projects and staff spent an excessive amount of time enforcing the program. The proposed regulations would exempt small projects and reduce staff work associated with the larger projects.

City Manager Keane stated that the City Attorney raised issues concerning the existing regulations and the nexus between the permitted projects and deposits.

Attorney Cosgrove explained that the proposed regulations have a more logical relationship with the amount of deposit and waste generated than current regulations.

Councilmember Rhodes asked if waste bins are placed at construction site, who determines what is waste and what is recyclable.

Assistant City Manager Reilly stated that contractors can either contract with Ware for a roll off bin or self-haul waste to an approved Material Recycling Facility (MRF). All Ware roll off bins are sent to a MRF.

ITEM 6.1

Councilmember Rhodes reiterated that it is not clear as to who determines how the waste is sorted.

City Manager Keane clarified that the Material Recovery Facility (MRF) separates waste and determines what can be recycled.

Councilmember Rhodes asked if the amount of recyclable material is noted on the waste receipt.

Assistant City Manager Reilly affirmed that receipts provide the weight of material diverted from the County landfills.

Councilmember Rhodes asked for further clarification about how the City benefits from the information provided on the receipts.

City Manager Keane clarified that the City is required to provide a report to the state, on an on-going basis, which shows that 50% of waste in the City is diverted from landfills. The information provided on the receipts is part of that report.

Mayor Connors asked if the City receives a partial or full credit for a container that is delivered to a MRF.

Assistant City Manager Reilly clarified that the City receives full credit for all of the recyclable material in containers. Most materials are recycled and China is the largest buyer of the materials.

Councilmember Rhodes asked if there were any monetary benefits to the City.

Assistant City Manager Reilly replied that the City does not receive monetary benefits for waste diversion, but would keep deposits if contractors fail to comply with the new regulations.

Mayor Connors stated that she believes that the new exemption is good for small projects which are common in the City.

The public hearing was opened; and there being no requests to speak, the public hearing was closed.

Moved by Councilmember Rhodes, seconded by Councilmember Robbins, and carried unanimously to approve introduction and first reading of an ordinance pertaining to construction and demolition materials management, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
AMENDING CHAPTER 4.24 OF THE LAGUNA WOODS MUNICIPAL
CODE PERTAINING TO CONSTRUCTION AND DEMOLITION
MATERIALS MANAGEMENT

VIII. CITY COUNCIL

8.1 Calendar Year 2012 Meeting Schedule

City Manager Keane presented the proposed Council Meeting schedule for the balance of 2012. The schedule includes an adjourned regular meeting on May 2nd, June 6th and June 27th and a shift of the November meeting from November 21st to November 14th. City Councilmember ethics training would be scheduled for the June 6th meeting.

Moved by Councilmember Robbins, seconded by Mayor Pro Tem Ring, and carried unanimously to adopt a meeting schedule for the balance of the calendar year.

Mayor Connors acknowledged Councilmember Hack's arrival and that he was late because he was testifying at a meeting of the Southern California Association of Governments (SCAG).

IX. CITY MANAGER

9.1 Polystyrene Ban

City Manager Keane summarized the agenda report and noted that the City's Greening Committee has requested that the City Council reconsider broadening its partial ban on extended polystyrene (EPS) to include restaurant food take-out containers and on-site food ware. The ban would not apply to pre-packaged food.

Councilmember Hack asked what would be substituted for plastic utensils.

City Manager Keane replied that not all plastic utensils are made from EPS.

Mayor Connors noted that some single use utensils, similar to those used at City Hall, are made from corn syrup and become biodegradable within seven days.

City Manager Keane reported that many food facilities in the City no longer use EPS take-out containers, but that some of these continue to use Styrofoam cups. The City could consider a ban on EPS take-out containers only or include all EPS food service ware.

Mayor Connors stated that since Council's last discussion on the issue, she has become more aware that there are take-out food container alternatives that are more eco-friendly than those made of EPS and she would support Council's consideration of this matter.

Councilmember Hack stated that he is concerned about the morass of floating plastic in the ocean and believes that the reduction in the use of petroleum products, such as EPS, will help with this situation.

City Manager Keane noted that there is also an on-going debate about whether or not benzene, which is a carcinogenic and used in the manufacture of EPS, leeches into food stored in such containers.

Councilmember Rhodes asked for clarification about what staff would like from the

Council.

City Manager Keane explained that staff is looking for direction about whether or not to draft an ordinance that would ban EPS; and if so, should it include all single use food ware products. She suggested that the ordinance provide a six to twelve month period of time for food facilities to comply.

Councilmember Rhodes asked for further clarification if the ban of EPS would not only include food containers, but also other types of wood ware.

City Manager Keane proposed that the ban include all single use, disposable food service ware made of EPS.

Councilmember Rhodes stated that he would be in favor of considering a ban as summarized by City Manager Keane.

Councilmember Robbins recommended that staff draft an ordinance covering the points that have been discussed.

Mayor Connors announced that it is the consensus of the City Council that staff proceed to draft regulations that would ban EPS for Council consideration. She suggested that staff contact the food facilities in the City that use this product.

City Manager Keane affirmed that staff will contact all the food facilities and inform them that the City Council is considering a ban on EPS food service ware.

Councilmember Rhodes added that they should be invited to voice their response.

City Manager Keane affirmed that all interested parties would be encouraged to submit written comments or verbal comments and to attend the Council meeting at which this matter is discussed.

9.2 Ticket Distribution Policy

City Manager Keane noted a number of typographical errors in the proposed resolution and policy. She summarized the agenda report and noted that the proposed policy is drafted specifically to meet Fair Political Practices Commission (FPPC) regulations. The policy will allow the City to accept and distribute tickets and passes to events upon a finding of a public purpose, and such distribution would not be considered income or a gift to the recipient.

Moved by Councilmember Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve **Resolution No. 12-04** as amended enacting a ticket and pass distribution policy, as amended, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA
WOODS, CALIFORNIA, ADOPTING A POLICY FOR THE
DISTRIBUTION OF TICKETS AND/OR PASSES TO CONFORM WITH

SECTION 18944.1 OF TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)
Councilmember Hack outlined the requirements for development impact fees associated with new construction and the use of these monies. He noted that three County Board of Supervisors sit on the two toll road agencies and yet they have decided not to collect/pay impact fees for recent construction at John Wayne airport.

10.2 Orange County Library Board (Councilmember Robbins)
Councilmember Robbins reported that there has been no full Board meeting, but its Finance Committee is scheduled to meet on May 3, 2012.

10.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes reported that a ceremonial event will take place on April 20th acknowledging the agreement for OCFA to provide services for the City of Santa Ana. He further reported that OCFA has received a grant from FEMA for fire prevention and safety programs. He encouraged residents in need of smoke alarms to call City Hall and be placed on a list. The next OCFA Board meeting is scheduled for March 22, 2012.

Councilman Rhodes also noted that the Orange County Sheriff's Department will hold its annual Medal of Valor on April 26th and he will be attending.

10.4 Southern California Water Committee (Councilmember Hack)
Councilmember Hack reported that SCWC will hold a quarterly meeting in April. He discussed the Bay Delta Conservation Program (BDCP) process and the on-going battle to protect the various wildlife species that are affected by the Delta.

Councilmember Rhodes stated that he toured the Delta five years ago and again recently and that the Delta islands have compressed significantly. He concurred with Councilmember Hack that the Delta issues are far from being resolved.

Councilmember Hack noted that two laws, AB 32 and SB 375, were passed pertaining to air pollution; however, the decaying vegetable mass produces 15% of air pollutants in the state. He finds it interesting that this is never discussed.

10.5 Coastal Greenbelt Authority (Mayor Connors)
Mayor Connors reported on efforts to clear evasive species and protect and track species, such as cactus wren, wildlife vegetation, and mountain lions. CGA is working on a new equestrian program and she referred them to the Laguna Woods Village equestrian center for input into their planning process. She also discussed the significant effects of dogs in wilderness areas. Additionally, she reported on the proposed Wildlife Corridor, which is designed to connect the coastal wilderness area into the San Jacinto Mountains and the possible transfer of some of the required area to the FBI. The City is sending a letter expressing its concerns regarding the land transfer.

- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes reported that the first emeritus council and advisory council meeting will take place on Thursday. He acknowledged Mayor Pro Tem Ring, past board member, for his dedication and contributions. The Foundation reports a 40% increase in participation in its education programs during the past year.

Councilmember Hack reflected on the negotiations with the City of Irvine and the Irvine Company involving opposition of the airport and the fact that part of the negotiations included a provision to allow for animal habitat and movement.

- 10.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins reported that as of February 29, 2012, there has been no report of human cases of the West Nile Virus in the County; no dead birds were tested in the City and none in the neighboring cities. He noted that the District has reviewed two slope repair sites in the City to assure that there is not excessive water runoff. The District finance committee is scheduled to meet on Thursday to discuss budget issues.

XI. PUBLIC COMMENTS

Debra Ashby, a representative of the South Coast Air Quality Management District (AQMD), introduced herself as the City's contact for air quality issues. She provided the Council with handouts and a newsletter outlining the Air Quality Management Plan of 2012. Ms. Ashby encouraged Council to participate in the next AQMD meeting on April 19, 2012.

Tony Dauer, resident, suggested that Golden Rain Foundation should purchase buses with compressed natural gas similar to those used by OCTA buses since they are more eco-friendly and less expensive to maintain. He expressed his opposition to the no-right-turn-on-red signs which he feels causes traffic congestion and commented on the Moulton Smart Street Project which he feels does not warrant the addition on bicycle lanes.

Mayor Connors stated that the no-right-turn-on-red signs were recommended by the City's Public Safety Committee and the City Traffic Engineer.

Mr. Dauer asked how he could serve on the committee.

Mayor Connors announced that applications can be obtained at City Hall.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

- 12.1 Reports on Meetings Attended per Government Code Section 53232.3

A. Water Advisory Committee of Orange County, March 2, 2012.

Councilmember Hack reported that the guest speaker discussed the effects of El Nino and La Nina on the County.

12.2 Other Meetings, Comments and Announcements

Councilmember Hack reported on a meeting he attended at SCAG where the Regional Transportation Plan was discussed.

Mayor Conners reported on a meeting she attended with the Waste Management Commission and their discussion about the certification electronic waste recyclers.

City Manager Keane announced that the City's annual Laguna Woods Goods Exchange will take place on Saturday, April 21st at City Hall. Almost anything will be accepted, except guns and ammunition, and will be reused, recycled or disposed of properly. Residents can call City Hall at 639-0500 to schedule large item pick-up.

XIII. CLOSED SESSION – None

XIV. ADJOURNMENT

The meeting was adjourned at 3:54 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday April 18, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: April 18, 2012

CYNTHIA S. CONNERS, Mayor