

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
May 16, 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: Hack, Rhodes, Robbins, Ring, Connors
 ABSENT: None

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 Proclamation – National Military Appreciation Month, May 2012

Mayor Connors presented the proclamation to Warren Marr, Commander of American Legion Post 257.

5.2 Proclamation – Water Awareness Month, May 2012

Mayor Connors presented the proclamation to Ted Martin, El Toro Water District (ETWD) Board President. Mr. Martin thanked the Council and discussed planning for the District's tertiary treatment plant. He noted that although the Orange County Grand Jury's report proposed to do away with special districts; ETWD received its third certificate of distinction.

VI. CONSENT CALENDAR

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

6.1 City Council Minutes

Approved the minutes from the April 18, 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 Report

Received and filed the April 2012 monthly and Third Quarter (January-March 2012) Fiscal Year 2011-12 Quarterly Treasurer's Reports.

6.4 Warrant Register

Approved the May 16, 2012 Warrant Register in the amount of \$540,323.97.

6.5 2011 Annual General Plan Progress Report

Approved submittal of the 2011 General Plan Annual Update to appropriate agencies.

6.6 Taxi Voucher Program

Authorized the continuation of the following taxi voucher programs at current rates, for the period of July 2, 1012 – June 30, 2013:

- Taxi Bucks
- Non Emergency Medical
- Train Station/Irvine Spectrum

6.7 City Hall Accessibility Improvements

Rejected all bids and direct staff to re-scope and rebid the project.

VII. PUBLIC HEARING

7.1 Ban on Polystyrene Foam Food Service Ware

City Manager Keane summarized the agenda report and noted that staff has prepared two ordinances. The first ordinance includes traditional food facilities such as restaurants, delicatessens and food vendors. The second ordinance expands the definition of food facilities to include community centers, clubhouses, houses of worship and other buildings used by members of the public. The City's Community Services Committee is recommending the more inclusive proposal. New regulations would be effective July 1, 2013 and the city manager could approve short term hardship exceptions.

Mayor Connors asked if staff knows the number of facilities that are already in

compliance with the new regulations.

City Manager Keane stated that staff initially thought that the majority of the City's food facilities were not using polystyrene foam food ware, but has discovered that some of these faculties are still using foam cups.

Mayor Pro Tem Ring asked for clarification on the fines.

City Manager Keane noted that fines are from \$100 to \$500 per day, per the City's Municipal Code. Violators receive a warning and opportunity to correct prior to the issuance of a citation.

Councilmember Rhodes stated that he sees no reason why the City would not reach full compliance, given that the proposed ordinance allows for many exceptions. He is in favor of passing the more inclusive ordinance as proposed by the Community Services Committee.

Mayor Connors asked if any restaurant associations have taken any position on the issue.

City Manager noted that there have been both opposition and support from the restaurant industry. Vons and Stater Brothers grocery stores began using alternative products several years ago. She explained that when the City passed its first polystyrene ordinance, which banned use at city facilities and city co-sponsored events, several trade organizations protested as did Age Well Senior Services.

Mayor Pro Tem Ring asked how staff proposes to enforce the ban.

City Manager Keane replied that typically staff will visit facilities that are open to the general public once per year. Other events would have to be on a complaint basis.

Mayor Pro Tem Ring described a scenario where a volunteer might bring food in a polystyrene container to a club event. He feels, in his opinion that it could be difficult to enforce the rules and complaints could be raised that some organizations are being fined while others are not.

City Manager Keane acknowledged that the Village does have this problem and that the City would make the clubs aware of the regulations and provide warning notices. Only repeated violations would be subject to fines. She also noted that a club, which has limited resources, could apply for a hardship exemption.

Councilmember Rhodes asked if the exemption apply to caterers as well.

City Manager Keane noted that caterers are not exempt unless they are doing work in private homes.

The public hearing was opened.

Mr. Vince Neale, Ayres Hotel General Manager, asked the reason for the ban.

Mayor Connors discussed the reason for the ban which includes its harmful effects to the environment and the cost to recycle polystyrene, which exceed the cost benefit of the product.

Mr. Neale stated that the hotel offers both chinaware and Styrofoam cups to their customers, and that the paper cups would be more costly.

City Manager Keane proposed that staff could provide a list of alternative products which are cost-effective to vendors within the City in the next six months.

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

Mayor Pro Tem Ring asked if it is possible to wait until staff can provide competitive pricing which should be within 10% of their existing product.

City Manager Keane noted that staff does not currently have a list, and that it could take up to six months to create one.

Councilmember Hack stated that since the ordinance does not go in to effect for a year, there is ample warning and opportunity for food facilities to obtain alternative products. He understands the concerns of those affected; however, believes that ocean pollution is significant and oil-based materials are a part of the problem. He is supportive of the ordinance.

Councilmember Rhodes reiterated that the effective date of July 1, 2013 serve as plenty of notice to comply.

Mayor Pro Tem Ring asked how the product gets into the ocean from this community.

Councilmember Hack stated that it travels through creeks that drain into the ocean.

City Manager Keane explained that polystyrene foam breaks down into small pieces which in turn are blown or picked up by birds and fall near storm drain catch basins and creeks.

Mayor Connors stated that she has volunteered to pick up trash along roadways and numerous time she has come across little pieces of polystyrene that have been broken down as Ms. Keane described.

City Manager Keane noted that polystyrene foam adds to the amount of waste in the County landfills, since it does not disintegrate easily.

Moved by Councilmember Rhodes, seconded by Councilmember Robbins, and carried unanimously to approve **Resolution No. 12-05** adopting a negative declaration, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE

DECLARATION 12-01 FOR AN AMENDMENT TO THE LAGUNA WOODS MUNICIPAL CODE, BANNING POLYSTYRENE FOAM FOOD SERVICE WARE

AND

Approve introduction and first reading of an ordinance establishing a ban on the use of polystyrene food services ware, including community centers, clubhouses, houses of worship and other buildings used by members of the public, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, PROHIBITING THE USE OF EXPANDED AND EXTRUDED POLYSTYRENE DISPOSABLE FOOD SERVICE WARE

VIII. CITY COUNCIL

8.1 Proposition 29: California Cancer Research Act (agendized by Mayor Connors)

Mayor Connors stated that in the past, the Council has supported state and federal measures that relate to the health and well being of residents. She would like the Council to consider taking a position of support on Proposition 29, which is on the June 5, 2012 ballot.

Councilmember Hack stated that while he is likely to vote for this initiative, he is not in favor of having the City take positions on issue that are not under the jurisdiction of the City. He believes this is an individual issue, not a city issue. He also noted his belief there is a critical need to reform the initiative process; initiatives are often overstated and become ongoing burdens for cities and the state.

Councilmember Rhodes expressed his belief that initiative positions should sunset or be re-adopted after a period of time. He expressed concern that money raised would be spent out of state and asked why the proposition proposed to transfer money to certain organizations. He asked City Attorney Cosgrove if he had any comments on the proposition.

City Attorney Cosgrove stated that he has read through the initiative but did not have any comments at this time.

Mayor Pro Tem Ring noted that the transfer of funds from Prop 29 into the general fund is to off-set the loss of revenue from decreased sales that is pledged to certain programs.

City Manager Keane concurred with Mayor Pro Tem Ring. She further explained that Proposition 29 provides a commitment to certain education and research.

Councilmember Hack reiterated that he is in favor of the ballot initiative, but that he is not in favor of having the City take action on it.

Councilmember Rhodes disagreed and stated that he believes the City should support

issues that have an impact on the community, such as the San Onofre Nuclear Generating Station (SONGS). He believes that three cities have gone on record opposing SONGS.

Mayor Hack stated that there is only one city that has taken a stance on SONGS.

Mayor Connors reminded Council that the topic of discussion is Proposition 29 and that whether or not the Council should take a position on other issues.

Mayor Pro Tem Ring applauded Mayor Connors for bringing this matter for discussion. He concurred with Councilmember Hack, stating that he thinks the Council should be willing to inform residents about such issues, but not tell them how to vote.

Mayor Connors stated that she placed the matter on the agenda for the purpose of educating the public.

There was no motion for action on the matter.

IX. COMMITTEE REPORTS

9.1 Transportation Corridor Agencies (Mayor Hack)

Councilmember Hack reported that cash-free toll roads are expected by 2014 – there will no longer be booths and instead, fees will be collected by way of license plates, transponders and other means.

9.2 Orange County Library Board (Councilmember Robbins)

Councilmember Robbins reported that a full board meeting is schedule for May 31st and that the Board will make budget recommendations at that meeting. The Library staff has done a good job of balancing the budget with \$460,000 less in revenue for the current year due to decrease in grants and developer fees. The Laguna Woods Library will continue with the same service level. Laguna Woods is considered a doner City – more property taxes are received than the cost of services provided.

9.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes reported that the Santa Ana merger is proceeding on schedule and the Board is considering electronic voting.

9.4 Southern California Water Committee (Mayor Hack)

Councilmember Hack reported that the Committee recommended delaying the proposed ballot initiative until the 2014 election, due to the current economic state.

9.5 Coastal Greenbelt Authority (Mayor Pro Tem Connors)

Mayor Connors stated that there was no meeting.

9.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes reported that the Board met and outlined future goals and that Emeritus Advisory Council held their first meeting on April 19th. He also discussed issues related to the planned Wildlife Corridor and unsuccessful negotiations to acquire property owned by the Federal Bureau of Investigation. He encouraged the public to visit

the Foundation's website at www.lagunacanyon.org/activities to see the list of activities being offered.

9.7 Vector Control District Board (Councilmember Robbins)

Councilmember Robbins stated that there were no new reports of the West Nile Virus (WNV) nor were there any reports of dead birds in the neighboring cities of Lake Forest and Laguna Hills. He notes that the Grand Jury reported that too many special districts are costing tax payers too much money and that most could be eliminated. The Vector Control and Cemetery Districts were exceptions. The Grand Jury reported that Vector is operating satisfactorily, but recommended an independent audit every three years with the reports available to tax payers.

Councilmember Hack announced that the Grand Jury recommended that the El Toro Water District (ETWD) be dissolved; however, ETWD has a long history with the City and he commends them for their support of the City's incorporation. He feels that ETWD should be preserved. Councilmember Hack stated that it appears the Vector District receives far more money than it needs, which it used to purchase a shopping mall.

Mayor Connors reminded residents that the summer months are approaching, which is the season for mosquitoes. She reminded residents to empty potted plants of standing water, which can serve as a breeding ground for mosquitoes.

Councilmember Rhodes noted that although improvements in the oversight of special districts are warranted, he does not agree with the Grand Jury Report.

X. PUBLIC COMMENTS

Jim Shaffer, resident, announced that the Kiwanis Club will host the 42nd annual pancake breakfast on Saturday, May 19th starting at 7:30 a.m. at Village Club House 1. The cost is \$5 per person and the proceeds provide scholarships to high school and junior college students.

XI. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code SS53232.3

A. League of California Cities/Orange County Quarterly Meeting, April 19, 2012

Mayor Pro Tem Ring reported that a legislative analyst was a guest speaker who provided a dismal analysis of California's current and future tax situation.

Councilmember Hack stated that the guest speaker provided great insight and was worthwhile.

B. OC Sheriff's Medal of Honor Luncheon, April 26, 2012

Councilmember Rhodes reported that awards were made in five categories and a plaque for Courage and Medal of Valor was awarded to Deputy Marcus Perez of the Tustin Police Department. A video of the event produced by OCSD will be played on Channel 31 as time allows.

C. Water Advisory Committee of Orange County May 4, 2012
Councilmember Hack reported on a fee study of water providers; he noted that El Toro Water District (ETWD) reported with low fees in spite of their low tax base.

C. City Selection Committee, May 10, 2012
Mayor Connors reported that she attended the meeting with Mayor Pro Tem Ring, and that the Committee made appointments to regional committees and boards. She announced that the Citizen Advisory Council had vacancies from the 5th District and interested Laguna Woods residents should contact City Hall.

12.2 Other Meetings, Comments and Announcements

None

XII. CLOSED SESSION

12.1 The City Council met in closed session to confer with legal counsel regarding two matters of potential litigation, pursuant to the provisions of Government Code Section 54956.9(c).

12.2 Pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Location:	Along the east and west sides of Moulton Parkway in the vicinity of Santa Maria Avenue.
City Negotiator:	Leslie A. Keane
Negotiating Party:	Golden Rain Foundation
Under Negotiation:	Instructions to negotiator regarding terms

The City Council reconvened in open session at 3:54 p.m. City Attorney Cosgrove advised that there was no reportable action.

XIII. ADJOURNMENT

The meeting was adjourned at 3:55 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Wednesday June 6, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: June 20, 2012

CYNTHIA S. CONNERS, Mayor