

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
June 6, 2012
2:00 P.M.**

I. CALL TO ORDER

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

II. FLAG SALUTE

Councilmember Hack 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; Public Safety Director Macon; Finance Manager Jones; Deputy City Clerk Trippy; Deputy City Attorney Ramirez

IV. CONSENT CALENDAR

Moved by Councilmember Robbins, seconded by Mayor Pro Tem Ring, and carried unanimously to approve Consent Calendar Items 4.1 – 4.4.

4.1 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.

4.1 Newport Bay Watershed Total Maximum Daily Loads (TMDL) Agreement

Approved an agreement with the County of Orange and other partners to fund nutrient, fecal, coliform and toxic metal maximum daily load programs in the Newport Bay Watershed; and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

4.3 Notice of Completion – Installation of Electrical Connections For City Hall HVAC System

A. Accepted project completion of a contract with American Electric Company for the installation of electrical connections for City Hall HVAC System.

B. Authorized release of 5% contract retention in the amount of \$416.90 withheld per

ITEM 6.1

California Government Code 35 days following recordation of the Notice of Completion with the County of Orange.

4.4 Notice of Completion – Installation of Energy Efficiency Improvement City Hall HVAC System

- A. Accepted project completion of a contract with Allied Mechanical Air Systems, Inc. for the installation of the energy efficiency improvements City Hall HVAC System.
- B. Authorized release of 5% contract retention in the amount of \$498.55 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange.

V. PUBLIC HEARING

5.1 Medical Marijuana Dispensary Regulations

City Manager Keane noted that a lawsuit was filed against the City after this item was agendaized and the City Attorney would like to review the suit to see if it would affect the proposed ordinance. She suggested that the public hearing be opened and continued to the August 15, 2012 City Council meeting.

The public hearing was opened.

There being no requests to speak, the public hearing was continued to a regular meeting of the City Council on August 15, 2012 at the request of the City Attorney.

VI. CITY MANAGER

6.1 Fiscal Year 2012-13 Annual Budget

City Manager Keane discussed the proposed Fiscal year 2012-13 Special Funds Budget, which included both operating expenses and capital improvement projects (CIP). Special Fund monies are restricted to certain types of projects. She noted that although the City had applied for a Community Development Block Grant to complete a study work plan for the CIP/J06P01 flood control channel, the initial study did not recommend further work. Therefore, the \$180,000 for this project is not included in the Special Funds budget.

Mayor Connors asked for clarification as to how much of the projected \$246,000 taxi voucher program (Senior Mobility) revenue is offset by the residents and how much comes from OCTA.

Public Safety Director Macon noted that payments from residents total approximately \$117,000.

City Manager Keane noted that the remainder of the revenue is provided on a reimbursement basis when the City submits a claim to OCTA.

ITEM 6.1

City Manager Keane noted that as part of the Fiscal year 2011-12 budget, the City received \$100,000 in Supplemental Law Enforcement Services Funds (SLESF) for traffic enforcement and the red light camera program. A similar payment is included in the proposed budget, but it is uncertain if the state funding will continue.

Mayor Connors asked for clarification as to which part of the community is designated as part of the wildland fire evacuation plan.

City Manager Keane noted that homes near the Village Gates 9, 10 and 11 area would be included as part of this plan.

Councilmember Hack asked if the plan is specific to wildland fire.

City Manager Keane affirmed that the plan is specific to wildland fire; however, the results can be used for other areas of the City and other types of disasters.

Councilmember Hack asked if staff will have discussions with the homeowners associations to coordinate the use of their buses during an evacuation.

City Manager Keane affirmed that staff will discuss this issue.

City Manager Keane discussed the elimination of the Emergency Management Performance grant since the cost to apply for and monitor this grant is greater than the fund received.

City Manger Keane summarized existing and proposed Capital Improvement projects. She noted that the City Hall/Library accessibility project is currently out for bid and the County has granted a six-month extension for completion of this project. She also discussed the streetlight energy efficiency project. The City is working with Southern California Edison to install LED street lights in public property, including the parking lights at City Hall.

Councilmember Rhodes asked if the City will receive any M2 Funds.

City Manager Keane affirmed that the City will receive Measure M2 Turnback Funds and that use of this funding is proposed for street maintenance.

Councilmembers did not suggest modifications to the proposal and Mayor Connors announced that it is the consensus of the City Council for the Special Funds budgets as proposed.

6.2 Red Light Photo Enforcement Program

City Manager Keane summarized the agenda report and noted that after staff provided a notice of termination to Redflex Traffic System, Inc., Redflex submitted a counter-proposal that would reduce the monthly cost of the program by half down to \$7,500 per month for nine months. The City would retain the ability to cancel the contract with 45 days notice. She discussed the possibility of losing the Law Enforcement Fund grant and subsequent negotiations with the Sheriff's Department that would allow the City to terminate the traffic deputy position.

ITEM 6.1

City Manager Keane noted, for the record, two communications received that oppose extension of the Redlight camera program.

Mayor Pro Tem Ring asked what the impact of the program has had associated with staff time.

City Manager Keane reported that approximately 200 hours per year of staff time is spent on the program, but that is less than initial years. The majority of City staff time is spent responding to questions from individuals who have received tickets and researching records for Public Records Act requests.

Councilmember Hack stated that he has always been pleased with the program and feels it meets the objective of improving safety for motorists. He noted that if it is the Court and legislature's contention to eliminate the program, then he sees it as an uphill battle for the City.

Councilmember Robbins stated that he has a problem discontinuing the program unless statistics prove that the cameras are ineffective, especially at Gate 12 and Moulton Parkway where there are a large number of golf carts crossing. He supports continuing the program.

City Manager Keane noted that staff is awaiting a California Supreme Court ruling on several legal issues related to the cameras. She noted that accident reports at Gate 12 have shown a decrease; however, there is insufficient quantifiable evidence regarding intersection of El Toro Road and Moulton Parkway. The latest traffic counts show that fewer people are using this intersection, possibly due to the red light camera program.

Councilmember Rhodes stated that he is undecided on this issue because the offer by Redflex came after Council's decision to terminate the program. He believes that the City Council discussed the issue at great length and that the general public does not want the program to continue.

City Manager Keane reiterated that the MOU simply reduces the expenditure for a specific time.

Councilmember Rhodes noted that the MOU is a temporary solution. He would rather cancel the program, as some other cities have.

Councilmember Hack stated that he is sympathetic to Councilmember Robbins' position; however, he is concerned that the laws are going in a different direction, which may not be favorable to the City. He asked when the Supreme Court ruling is to be expected.

Public Safety Director Macon replied that the City is monitoring the case but it could take up to nine months to be decided.

Councilmember Hack asked for clarification if the issue which the Supreme Court is reviewing has to do with the validity of the program and the need to provide various kinds of evidence.

Public Safety Director Macon replied that the case does involve the chain of evidence and testimony of the traffic deputy. If decided favorably, the need for special legal counsel should be reduced.

ITEM 6.1

Councilmember Hack noted that he is inclined to support to keep the program, pending the review of the Supreme Court; the proposed MOU mitigates some of the City's immediate financial concerns.

Mayor Pro Tem Ring stated that he is inclined to support Councilmembers Robbins' and Hack's assessment; however, he is interested in hearing comments from Mr. Baylis, who has asked to speak on this matter.

Mr. Baylis introduced himself as an attorney who defends individuals who receive redlight camera tickets. He believes that the program impinges on an individual's constitutional rights and proposed various alternatives to improve visibility at the intersections in lieu of the red light camera program. He urged Council not to extend the program and noted that if they do, the general public will likely pass a ballot initiative to repeal Council's decision.

Councilmember Ring replied that the City cannot modify the roadway because adjacent land is private property. He noted that flashing lights are in place to warn drivers of the intersection at Gate 12.

Mr. Baylis stated that the camera system does not prevent accidents; and that the extra second the City has added to the yellow light phase poses a danger along the curved street of Moulton Parkway approaching Gate 12. He noted that the Courts are inclined to follow the constitutional right of an individual in regards to red light camera citations.

Councilmember Ring stated that the community is unique and that he considers the life of others as a priority.

Councilmember Hack stated that he is familiar with constitutional rights and does not want to go back and forth on discussing that issue; and that he does not take well to the implied threats made by Mr. Baylis. He concurred with Mayor Pro Tem Ring that protecting people's lives is the consummate issue and noted that the City Council is attempting to make a rational decision based on its evaluation of the various factors of the situations.

Mayor Connors stated that she believes that the City is complying with the Courts in regards to constitutional rights and that it appears reasonable to continue the program until the California Supreme Court makes a decision. She also commented that supportive evidence from the insurance companies is very persuasive, and the possibility that the City may be committed to a contract for a part-time Deputy is something she is willing to accept.

Moved by Councilmember Robbins, seconded by Councilmember Hack, and voted 4 to 1 to approve a memorandum of understanding between the City of Laguna Woods and Redflex Traffic Systems, Inc. related to the existing automated red light photo enforcement systems agreement; and authorized the City Manager to execute the memorandum, subject to approval as to form by the City Attorney.

AYES: Hack, Robbins, Ring, Connors
NOES: Rhodes

VII. PUBLIC COMMENTS – None

VIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS – None

IX. CLOSED SESSION

City Manager Keane announced that a closed session is not necessary at this time.

X. CITY COUNCIL

10.1 Ethics Training – The City Council entered into a five minute recess prior to reconvening into session for biannual ethics training, as required by California Government Code, Sections 53234-53235.2 at 3:01 p.m. The City Council completed the training at 5:03 p.m.

XI. ADJOURNMENT

The meeting was adjourned at 5:03 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday June 20, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: July 18, 2012

CYNTHIA S. CONNERS, Mayor