

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
July 15, 2009
2:00 P.M.

I. CALL TO ORDER

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

II. FLAG SALUTE

Vector Control Board Member Bob Bouer led the flag salute.

III. ROLL CALL

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

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Deputy City Clerk Trippy; Special Projects Manager Macon; City Planner Gutierrez; City Attorney McEwen

Mayor Ring announced that Public Hearing Item 7.1 (Rite Aid Sign Program SP 547) would be delayed to just prior to the City Attorney's Report in order to allow time for the arrival of the Rite Aid representative whose flight was delayed.

IV. PRESENTATIONS – None

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

Councilmember Conners removed the City Council Minutes from the June 3, 2009 adjourned regular meeting from Item 6.1 of the Consent Calendar.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to approve Consent Calendar Items 6.1 - 6.4, excluding the June 3, 2009 adjourned regular meeting minutes from Item 6.1.

6.1 City Council Minutes

Approved the minutes from the June 17, 2009 regular meeting and the June 24, 2009 adjourned 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 June 2009 Treasurer's Report.

6.4 Warrant Register

Approved the July 15, 2009 Warrant Register in the amount of \$571,908.48.

6.1 City Council Minutes – June 3, 2009 Adjourned Regular Meeting

Councilmember Connors corrected the spelling of Harriet Arnest's name on page three of Item VI (City Council Comments and Announcements).

Moved by Councilmember Connors, seconded by Councilmember Hack, and carried unanimously to approve the June 3, 2009 Adjourned Regular Meeting Minutes as amended.

VIII. CITY COUNCIL

8.1 League of California Cities Litigation Regarding the State Budget (agendized by Councilmembers Connors and Rhodes)

Councilmember Connors raised the issue in response to a proposal by the state legislature to borrow city gas tax monies. She invited the City Council's input as to whether or not a resolution should be approved supporting litigation opposing the proposal.

Councilmember Hack discussed the state's budget shortfall and its effect on various programs. He expressed his opinion that the legislature has been weakened by ineffective leadership and term-limits, compounded by certain voter-approved budget initiatives.

Councilmember Rhodes stated his support for the proposed resolution.

Mayor Pro Tem Robbins agreed with Councilmember Hack's opinions on the weakened state legislature and indicated the need for the State to resolve its budget issues.

Councilmember Connors asked for the City Attorney's opinion on the City's exposure to liability if streets cannot be properly maintained as a result of borrowed gas taxes.

City Attorney McEwen stated that the City's exposure would differ case-by-case.

City Manager Keane reassured the City Council that public safety issues take precedent and any cuts to offset lost gas tax revenues would be presented for review.

Councilmember Hack concurred with City Manager Keane on public safety issues taking precedent, but expressed concern with challenging the State's proposal to borrow city gas tax monies as it could take years of litigation.

Councilmember Rhodes moved to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, SUPPORTING PROPOSED LEAGUE OF CALIFORNIA CITIES LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY DIVERSION OF HIGHWAY USERS TAXES

The proposed resolution was withdrawn due to the lack of a second.

IX. CITY MANAGER

9.1 Modifications to Temporary Sign Regulations

City Manager Keane summarized the agenda report. She made a correction on page six of the proposed ordinance. "On any one frontage" was added to end of the first sentence in Section 9(a) *Window signage in commercial districts*.

Councilmember Rhodes made a grammatical correction on page two of the proposed ordinance. In the second sentence of Section 2(d) *Commercial signs*, the first occurrence of the word "is" was replaced with "if." He also suggested extending the allowable time for non-profit no-fee banner permits to two weeks [Section 5(h)].

Councilmember Connors asked the following questions on the proposed ordinance: (1) are A-frame signs included in Section 4; (2) which staff person serves as the Community Development Director; and (3) could aesthetic purposes be considered as justification for this ordinance, in addition to lighting and ventilation.

City Manager Keane responded that (1) A-frame signs are not included in Section 4; (2) the Community Development Director position is currently filled by the City Manager; and, (3) the ordinance is specific to lighting and ventilation, however the comment regarding aesthetic consideration will be entered into the record.

Councilmember Rhodes asked staff about the effects of the proposed ordinance on the window signage at the Chase Bank in the Willow Tree Shopping Center.

City Manager Keane indicated that the effective date of the ordinance, if approved, would not be until September 2009 and that the window signs of the business in question would be removed by that time due to existing temporary sign regulations.

Mayor Ring concurred with Councilmember Rhodes to increase the allowable time for non-profit no-fee banner permits to two weeks. He asked if the 20% limit on window signage was typical and suggested that the limit be increased for better visibility.

City Manager Keane explained the regular banner permit program and indicated that the \$39 fee can be waived under certain circumstances. She suggested that the City Council consider increasing the window coverage standard to 25%, if they wish.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried unanimously to approve the introduction and first reading of an ordinance modifying temporary sign regulations, as amended to include grammatical corrections; a two week limit for non-profit no-fee banner permits; the addition of “on any one frontage” and an increase to a 25% coverage standard on window signage in Section 9(a), entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
AMENDING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL CODE
PERTAINING TO SIGN REGULATIONS

9.2 Massage Business Regulations

Special Projects Manager Macon summarized the agenda report

Councilmember Rhodes asked for clarification on whether a business license would be required under the proposed ordinance and what the requirements would be, if any, for a massage therapist who provides services inside private residences.

Councilmember Hack expressed his concerns for lack of control if a business license is not required for establishments.

City Manager Keane stated that business licenses would not be required. Services that are provided in private residences are dealt with on a “complaint basis.”

Councilmember Conners asked if massage businesses currently exist within the City and how the City deals with issues of criminal or suspicious activity.

Special Projects Manager Macon indicated that there are currently no licensed massage establishments in the City.

City Manager Keane explained that the City’s code enforcement staff and the Sheriff’s Department handle enforcement. Under the proposed ordinance, complaints could also be directed to the State under the provisions of SB 731.

City Attorney McEwen stated that under the proposed ordinance, if an establishment employs a massage worker in violation of the ordinance, it would be a misdemeanor. Other problems may also be addressed under public nuisance provisions.

Councilmember Hack asked for clarification on why the City is proposing to change the current regulations and the need for both City and State licensing.

City Manager Keane responded that the proposed ordinance would update the City’s regulations in accordance with State law and eliminate duplicative requirements.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Robbins, and carried unanimously to approve the introduction and first reading of an ordinance amending the City’s massage regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
AMENDING CHAPTER 6.40 OF THE LAGUNA WOODS MUNICIPAL CODE
PERTAINING TO MASSAGE REGULATIONS

VII: PUBLIC HEARINGS

7.1 Rite Aid Sign Program/SP 547

City Manager Keane summarized the agenda report and provided a presentation of Rite Aid signage in other cities.

City Planner Gutierrez announced that the proposal has been amended to remove signs B and D, at the request of the applicant.

Shawn Smith, Senior Project Manager for Site Enhancement Services, representing Rite Aid, indicated that the purpose of the application is to enhance existing current signs for visibility and safety issues. He stated the monument sign may be refaced at a later date.

City Manager Keane stated that the sign program does not mention the monument sign and the City's Municipal Code no longer allows them.

Councilmember Connors asked staff if the calculation for the entrance signs would differ if the signs were placed on the building and the awning was removed, similar to the Laguna Woods Village entry signs.

City Manager Keane noted that the Village signs are different because they are on walls instead of buildings. She noted that other businesses have requested additional signs similar to what Rite Aid is requesting and were denied in favor of citywide consistency.

City Planner Gutierrez explained that the City's Municipal Code states that "the sign area differentiated by color, requires it to be the sign area." He noted that the proposed entry signs total 164 square feet of text in addition to other signs requested by the applicant.

Mayor Ring asked Mr. Smith when Rite Aid plans to present their proposed changes to the monument sign.

Mr. Smith indicated that it would be sometime in the near future.

City Manager Keane noted staff had informed the applicant that it would recommend approval of the proposed sign program if the blue canopies are eliminated. Staff also recommended replacing Sign A with two directional signs staked onto the ground.

Councilmember Hack was supportive of the applicant's sign program, specifically citing visibility issues. He suggested keeping Sign A.

Councilmember Rhodes concurred with staff's proposal but asked if the color on the Rite Aid "shield" conforms to color palette regulations.

City Manager Keane stated that Ride Aid is not subject to a color palette and if the City Council approves the proposed signs, as submitted by the applicant, future owners will receive an entitlement for the number and size of signs approved.

Mayor Ring felt that Sign C is unnecessary and should be removed. He also expressed disapproval with the blue canopies.

Councilmember Connors concurred with Mayor Ring's comments. She also concurred with Councilmember Hack to keep Sign A or similar directional signs as suggested by City Manager Keane. She asked Mr. Smith if the blue canopies would be illuminated.

Mayor Ring asked Mr. Smith about the possibility of changing the color of the canopies.

Mr. Smith indicated that he was uncertain if the canopy would be illuminated and the color choice for the canopy was an architectural decision by Rite Aid.

Mayor Ring asked City Manager Keane for clarification on the effect of the sign program on Rite Aid's existing monument sign.

City Manager Keane reiterated that modifications to the monument sign is not permitted under the Municipal Code. It can be removed, but not replaced or altered. In order to approve modifications, the City Council would have to make an exception that bestows an entitlement on the building. She noted that the monument sign was not included with the sign program application.

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

Moved by Councilmember Hack to approve a resolution for the approval of the proposed sign program with Signs B, C and D removed; seconded by Mayor Pro Tem Robbins; and carried unanimously, Resolution No. 09-16, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA APPROVING SP 547 FOR RITE AID

X. CITY ATTORNEY'S REPORT

The trial date regarding the purchase of City Hall has been rescheduled for November 16, 2009, at the request of Raintree Realty.

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack announced his reappointment as Vice Chair of the San Joaquin Hills Transportation Corridor Agency.

11.2 Orange County Library Board (Mayor Pro Tem Robbins)

The Library Board has not met since the last City Council meeting. The Friends of the Laguna Woods OC Library will host a mystery authors event on July 28, 2009.

11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes noted that many programs are on-hold due to the State's budget.

11.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack announced that Ron Gastelum, an attorney and retired CEO of the Metropolitan Water District, will serve as the executive director for one year, pro bono

11.5 Coastal Greenbelt Authority (Councilmember Conners)

The Authority has not met since the last City Council meeting and the upcoming meeting has been cancelled. Councilmember Conners also discussed the role of the Authority.

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes stated that the James Dilley Preserve, located on Laguna Canyon Road, will receive a new informational cart to replace one that was vandalized. The Foundation is considering a tiered membership in the near future.

11.7 Vector Control District Board (Board Member Bouer)

Board Member Bouer reported no problems in the city. The District Board of Trustees is supporting SB 752 CalPERS retirement reform, possibly saving tax payers \$2.5 million over time. A reduction of the benefit assessment levy will be 19% below the maximum allowable rate for FY 09-10.

XII. PUBLIC COMMENTS

Karen Wood, President of the Laguna Woods Village Cat Club, provided a report on the club's activities between January 2009 and July 2009. She indicated that there is confusion among the Cat Club regarding local services provided by Laguna Beach Animal Control. She asked staff for a written explanation that can distributed to members of the Cat Club.

City Manager Keane clarified that the City does not have an animal services committee but that the Public Safety Committee has a subcommittee dealing with animal issues.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 City Councilmembers reported on the following meetings they attended:

A. Orange County Fire Authority Chief Prather Farewell Dinner (Rhodes)

B. Orange County Division/League of California Cities Dinner (Hack, Conners, Rhodes)

13.2 Other Comments and Announcements

Councilmember Rhodes announced that the Great Park is considering a fire museum.

XIV. CLOSED SESSION – None.

XV. ADJOURNMENT

The meeting was adjourned at 4:42 p.m. to a meeting of the City Council at 2:00 p.m. on Wednesday, August 19, 2009 held at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: August 19, 2009

ROBERT B. RING, Mayor