

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
September 15, 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 Rhodes 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 – None

V. CITY PROCLAMATIONS

Moved by Councilmember Ring, seconded by Councilmember Conners, and carried unanimously to approve City Proclamation 5.1.

5.1 Fire Prevention Week – October 3-9, 2010

Mayor Robbins presented the proclamation to Battalion Chief Art Nevarez who accepted on behalf of Orange County Fire Authority Chief Keith Richter.

VI. CONSENT CALENDAR

Councilmember Rhodes removed Item 6.5 from the Consent Calendar.

Moved by Councilmember Rhodes, seconded by Councilmember Conners, and carried unanimously to approve Consent Calendar Items 6.1 – 6.4.

6.1 City Council Minutes

Approved the minutes from the August 18, 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 August 2010 monthly Treasurer's Report.

6.4 Warrant Register

Approved the August 18, 2010 Warrant Register in the amount of \$759,672.54 and September 15, 2010 Warrant Register in the amount of \$468,627.32.

At Councilmember Rhodes' request, City Manager Keane provided background information on the City's bingo regulations and proposed bingo permit fee.

Moved by Councilmember Rhodes, seconded by Councilmember Conners, and carried unanimously to approve Consent Calendar Item 6.5.

6.5 Bingo Permit Fee

Approved **Resolution No. 10-16**, establishing fees for bingo permits, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, ESTABLISHING A FEE FOR
BINGO PERMITS

VII. PUBLIC HEARINGS

7.1 Community Development Block Grant (CDBG)

City Manager Keane summarized the agenda report, discussed the City's use of CDBG funds; she noted that staff is working on preparing a project for consideration regarding ADA improvements at City Hall, but there are currently no proposed projects.

Mayor Pro Tem Hack asked what the deadline is for applications.

City Manager Keane responded that residents can propose a project by submitting a letter or speaking at the public hearing. Their ability to propose projects ends when the public hearing ends (October regular meeting). The City will apply for funds in November.

The public hearing was opened.

There were no requests to speak.

Moved by Councilmember Ring, seconded by Councilmember Rhodes, and carried unanimously to continue the public hearing for the Community Development Block Grant (CDBG) to the regular City Council meeting on October 20, 2010.

VIII. CITY COUNCIL – None

IX. CITY MANAGER

9.1 City Centre Park Design

City Manager Keane introduced the item and Assistant City Manager Reilly summarized the agenda report, including funding and design features. Jane Cataldo from Lynn Capouya Landscape Architects discussed landscape plans, including sustainable features.

Councilmember Connors asked if the park could be used for outdoor events.

Ms. Cataldo responded that it could.

City Manager Keane stated that the park is specifically designed for small outdoor events such as concerts and theatre productions. She noted that she has had very preliminary discussions with the Old Pros Club about using it as a performance venue.

Councilmember Rhodes stated his belief that the amount of parking off Moulton Parkway is inadequate. He would like to see six parking spaces included.

Assistant City Manager Reilly responded that one of the concerns about having additional parking off of Moulton Parkway is the safety of the ingress/egress. Staff feels that two spaces are adequate since additional parking will be available in the parking lot above the park.

Councilmember Rhodes disagreed and stated that if parking off of Moulton Parkway is limited due to safety concerns then it should be eliminated all together.

City Manager Keane explained that she has been told that the parking off of Moulton Parkway is required in order to comply with the Americans with Disabilities Act (ADA).

Mayor Pro Tem Hack commented on the history of the park and stated that he would like to see the minimum number of parking spaces off of Moulton Parkway.

Councilmember Rhodes pointed out that a driveway already exists for the public storage facility and feels that safety should be the responsibility of the drivers.

Councilmember Connors commented on the ADA parking requirements and supported minimizing the number of parking spaces off of Moulton Parkway. She noted that the destination part of the park is at the top of the hill closer to the parking lot.

City Manager Keane clarified that ADA accessibility is required at each entrance to the park and from the bus stop.

Councilmember Ring expressed his opposition for any parking spaces off of Moulton Parkway due to safety concerns. He read aloud ADA regulations which he interpreted to mean that only one accessible access is required. He moved that the parking spaces be removed unless the City Attorney can prove that they are absolutely required. There was no second to the motion.

City Manager Keane explained that the City Engineer has stated that accessible access is only required from one entrance, but that striping would need to exist from the bus stop on El Toro, if it is not provided from the Moulton bus stop. The City does not own the shopping center's parking lot and is not sure that it would be ADA accessible.

Councilmember Ring clarified that he was referring to the requirement for parking off of Moulton Parkway, not ADA access from the bus stop.

Assistant City Manager Reilly pointed out that the City does not own the parking at the top of the park and that he believes the parking spaces off of Moulton are required.

City Manager Keane disagreed with Assistant City Manager Reilly. She noted that the requirement to have parking off of Moulton was before there was an agreement with the Ayres Hotel to provide ADA parking at the top. If there is an agreement in place, parking at the top lot should be adequate.

Mayor Pro Tem Hack agreed with Councilmember Ring that unless it is legally required, there should not be parking off of Moulton Parkway.

Moved by Mayor Pro Tem Hack and seconded by Councilmember Ring that unless it is legally demanded, there will be no vehicular parking off of Moulton Parkway. [There was no vote on this motion.]

Councilmember Rhodes suggested that a sign could be posted at the lower parking lot stating that parking is only available for handicap and maintenance vehicles.

City Manager Keane stated that she believes that Councilmember Ring and Mayor Pro Tem Hack are correct that no parking is required off of Moulton Parkway if handicapped parking is available at the other entrance.

Councilmember Hack stated that the City could revisit the parking discussion if staff finds that it is legally required to provide parking off of Moulton Parkway.

Councilmember Connors asked if there is a bus stop on Moulton Parkway near the park.

Assistant City Manager Reilly stated that the bus stop is located just south of Gate 16.

City Manager Keane stated that providing an ADA path from the bus stop and ADA parking at the top of the park would meet legal requirements.

Councilmember Connors asked the City Attorney if he is fairly comfortable, without having done additional research, with removing the parking spaces.

City Attorney McEwen stated that he is comfortable with removing the parking off of Moulton Parkway if it is not legally required. He indicated that he would have to research whether or not it is legally required.

Mayor Pro Tem Hack stated that the creation of an unsafe situation or hazard, as a result of strictly enforced ADA requirements, could justify a waiver of those requirements.

Mayor Robbins suggested that the motion on the floor be amended to approve the proposed plan incorporating Councilmember Ring's comments.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Hack to approve the landscape plan for City Centre Park by, including a provision that the parking spaces at the bottom be eliminated unless they are legally required for ADA compliance.

Councilmember Rhodes asked Ms. Cataldo for clarification on using the park for concerts.

Ms. Cataldo stated that the park is not specifically designed for a concert, but that it could accommodate one. There is no formal shade structure included in the design.

City Manager Keane commented that a gazebo would restrict the number of people that could be accommodated in the park. Staff tried to keep the design as flexible as possible.

Councilmember Conners suggested that people are inclined to bring their own chairs to outdoor events. She asked if it was possible to design a deployable canvas canopy.

City Manager Keane noted that the City's staff is limited and that the City's insurance pool would likely require that staff or contractors erect the canopy, which could be costly.

Mayor Pro Tem Hack discussed the value of keeping the design as flexible as possible and noted that the park could be expanded in the future.

Councilmember Ring commended Ms. Cataldo for her previous design of Ridge Route Linear Park. He asked if it would be reasonable to spend nearly \$500,000 an acre on a park and if similar parks cost \$500,000 an acre.

Ms. Cataldo stated that some park projects could cost more.

City Manager Keane noted that the cost per square foot for this project is the same as the cost per square foot of Ridge Route Linear Park, excluding the dog park.

Councilmember Ring proposed amending the motion to remove all references to Phase I. He does not want people thinking that there is anything else that this City Council wishes to do, including restrooms. He noted that the agenda report refers to this as "Phase 1."

City Manager Keane explained that the project was considered Phase 1 due to Mayor Pro Tem Hack's suggestion that the park area could be expanded. She stated that references to Phase 1 could be eliminated by staff without a motion.

As previously moved by Councilmember Conners, seconded by Mayor Pro Tem Hack, the motion was carried unanimously to approve the landscape plan for City Centre Park by, including a provision that the parking spaces at the bottom be eliminated unless they are legally required for ADA compliance.

9.2 Moulton Parkway Landscape Design

Assistant City Manager Reilly summarized the agenda report.

Mayor Pro Tem Hack expressed concern with the placement of trees near the entrance to the Arco gas station.

Assistant City Manager Reilly commented that the location of the trees is not to hinder entrances or exits. Staff will move or eliminate trees that obstruct visibility.

City Manager Keane noted that trees will be planted against the slope and not on the edge of the sidewalk. She agreed that staff would make changes if necessary.

Councilmember Conners asked if there would be a significant cost for purchasing more mature trees for northbound Moulton Parkway approaching Gate 12. She stated that the larger trees would provide additional clearance to help with visibility.

Assistant City Manager Reilly responded that staff is looking into soil treatments to help speed tree growth.

Councilmember Rhodes stated that he dislikes olive trees and does not understand the need to preserve them for historical purposes.

City Manager Keane noted that the City Council previously voted to retain olive trees at certain entry areas.

Councilmember Rhodes stated that too much emphasis is placed on vehicles speeding and that responsibility should be placed on individual drivers.

City Manager Keane noted that because of the way the project is being constructed, the City Council and residents will have an opportunity to comment on a small section of the median before the remaining medians are completed.

Moved by Councilmember Conners, seconded by Councilmember Ring, and voted 4 to 1 to approve the proposed landscape design of Moulton Parkway.

AYES: Conners, Ring, Hack, Robbins

NOES: Rhodes

9.3 Bus Shelter Franchise Agreement Extension

Assistant City Manager Reilly summarized the agenda report.

Mayor Pro Tem Hack agreed that partnering with other cities would be beneficial.

Moved by Mayor Pro Tem Hack, seconded by Councilmember Conners, and carried unanimously to approve an extension to December 31, 2010 (three months) of the existing bus shelter franchise agreement with Clear Channel Outdoor, and authorize the City Manager to execute the amendment, subject to approval as to form by the City Attorney.

X. CITY ATTORNEY'S REPORT – None

XI. COMMITTEE REPORTS

- 11.1 Transportation Corridor Agencies (Mayor Pro Tem Hack)
Mayor Pro Tem Hack reported on non-cash tolling options.
- 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 stated that there was no meeting.
- 11.4 Southern California Water Committee (Mayor Pro Tem Hack)
Mayor Pro Tem Hack announced that Richard Atwater has been appointed to serve as the Executive Director of the Committee. The Committee's annual meeting will be held on October 7, 2010. The City is sharing a table with the El Toro Water District.
- 11.5 Coastal Greenbelt Authority (Councilmember Conners)
Councilmember Conners stated that there was no meeting.
- 11.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes stated that there was no meeting.
- 11.7 Vector Control District Board (Board Member Bouer)
Board Member Bouer was not present to provide a report.

XII. PUBLIC COMMENTS

Victor Mazmanian, on behalf of Saddleback Church, announced that the Church will host an Alzheimer's seminar on October 11, 2010 at Clubhouse 7 and invited the City Council to attend. He stated that the Church would apply for a special event permit.

Brian Wolf, resident, discussed his concern with smoking in multi-family buildings and asked the City Council to consider designating buildings as non-smoking.

Mayor Pro Tem Hack explained that the City Council cannot take action on an issue that is not on the agenda. He stated that the City Council and staff did its best to draft the existing ordinance while balancing the rights of individuals.

Mr. Wolf asked if closely packed residences could be designated as non-smoking.

Mayor Tem Hack noted that the buildings are privately owned.

City Manager Keane stated that a proposed ban on smoking on patios and balconies will be on the City Council's December meeting agenda.

Councilmember Conners suggested to Mr. Wolf that a home owner's association (HOA) may have greater ability to set guidelines for HOA property than the City.

Mayor Robbins announced that the City is hosting the second Great Laguna Woods

Goods Exchange on September 25, 2010 from 8:30 a.m. – 1 p.m. in front of City Hall.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3) – None

13.2 Other Comments and Announcements

Mayor Pro Tem Hack discussed Assembly Bill 32, Senate Bill 375, and Proposition 23.

Councilmember Connors discussed her attendance at a Huntington Beach City Council meeting regarding the Poseidon Desalination Plant, the Laguna Woods Goods Exchange, and Assembly Bill 737. She noted that she has provided City and Village staff with information on biodegradable doggie bags.

Councilmember Rhodes requested new City Council identification badges.

XIV. CLOSED SESSION

14.1 The City Council met in closed session to confer with legal counsel regarding one matter of pending litigation: City of Laguna Woods vs. Raintree Realty LLC. Case No. 05 CC 09350 pursuant to the provisions of Government Code Section 54956.9(a).

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

The City Council reconvened in open session at 5:30 p.m. City Attorney McEwen advised that there was no reportable action.

XV. ADJOURNMENT

The meeting was adjourned at 5:30 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, October 20, 2010 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: October 20, 2010

MILTON ROBBINS, Mayor