

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
September 16, 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

Prior to leading the flag salute, Mayor Pro Tem Robbins requested a moment of silence to commemorate September 11 and Patriot Day.

III. ROLL CALL

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

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

IV. PRESENTATIONS

4.1 Orange County Fire Authority – Keith Richter, Fire Chief

Councilmember Rhodes introduced Chief Richter who made brief remarks.

V. CITY PROCLAMATIONS

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to approve Proclamation 5.1 - 5.2.

5.1 Proclamation – Fire Prevention Week, October 4-10, 2009

Chief Richter accepted the proclamation on behalf of the Orange County Fire Authority. Division Chief Ed Fleming also made brief remarks.

5.2 Commendation – Irma Franklin, 100th Birthday

Irma Franklin accepted the commendation and made brief remarks.

VI. CONSENT CALENDAR

Councilmember Hack removed Item 6.8 from the Consent Calendar.

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

6.1 City Council Minutes

Approved the minutes from the August 19, 2009 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 2009 monthly Treasurer's Report.

6.4 Warrant Register

Approved the September 16, 2009 Warrant Register in the amount of \$415,484.36.

6.5 Appointment of City Treasurer

Adopted Ordinance No. 09-05 authorizing the City Manager to designate a City Treasurer, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING TITLE 2 OF THE LAGUNA WOODS MUNICIPAL CODE RELATING TO APPOINTMENT OF THE CITY TREASURER

6.6 Massage Business Regulations

Adopted Ordinance No. 09-06 modifying massage business 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

6.7 Notice of Completion – City Hall ADA Parking Lot Reconstruction Project Phase 2

A. Accepted project completion of a contract with International Pavement Solutions for the City Hall ADA Parking Lot Reconstruction Project Phase 2.

B. Exonerated project posted bonds 35 days following recordation of Notice of Completion with the County of Orange.

6.8 El Toro Road Eastbound Pavement Rehabilitation Project

Councilmember Hack expressed his support for the project and highlighted the fact that it is partially funded by an American Recovery and Reinvestment Act (ARRA) grant.

Moved by Councilmember Hack, seconded by Councilmember Connors, and carried unanimously to approve Consent Calendar Item 6.8:

- A. Accepted an American Recovery and Reinvestment Act (ARRA) grant in the amount of \$500,000 for the EL Toro Road pavement rehabilitation project, and
- B. Awarded a contract to All American Asphalt, Inc. in the amount of \$559,951.70, plus authorized 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.

VII. PUBLIC HEARINGS

7.1 Saddleback Golf Cars

City Planner Gutierrez summarized the agenda report.

City Manager Keane stated that a letter was received from the Golden Rain Foundation supporting the project, but opposing the recommended zoning designation; they requested a Highway Commercial zoning designation. Staff believes that a Community Commercial designation is more appropriate.

City Attorney McEwen indicated that while some Highway Commercial zones may result in less traffic, they could produce greater environmental impacts.

Councilmember Hack asked for clarification on staff's recommendation and information on how the applicant or the City plans to address fumes generated by the business.

City Manager Keane reviewed the staff recommendation and noted that building plans would be required to be approved prior to the start of construction.

City Planner Gutierrez noted that the project is required to include a filtration system for the proposed spray paint booth.

Councilmember Connors asked City Attorney McEwen if self-storage is excluded from Community Commercial zones.

City Attorney McEwen said that he would have to review the Zoning Code.

Councilmember Rhodes asked if the applicant will be required to recycle.

City Manager Keane stated that the City's commercial recycling program is voluntary, but noted that during construction, the project will be required to recycle.

City Attorney McEwen stated that the Fire Authority regulates hazardous waste disposal.

The public hearing was opened.

Cris Robinson, on behalf of the Golden Rain Foundation (GRF), expressed support for the project. She reiterated GRF's concern that a Community Commercial zoning designation could allow high traffic volumes for future uses of the site.

Phil Bellafaire, applicant/owner of Saddleback Golf Cars, responded to Councilmember Hack's question regarding fumes by explaining that the proposed location was built to the construction standards required by law. He stated that his business recycles metals and tires and that he's familiar with the law and looks forward to operating in the city.

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

Councilmember Rhodes asked if the City would be able to impose zoning restrictions on the use of the site, in order to address GRF's concerns.

City Manager Keane stated that overlay zones could be created, but that the process takes time. She noted that it is not likely that a restaurant would be able to occupy the building due to the limited amount of parking.

Mayor Ring asked if the owner of the street that the building is located on is able to place restrictions on the use of the property.

City Manager Keane stated that there is an easement preventing such restrictions.

Councilmember Connors asked if the easement is for a specific use or subject to change.

City Planner Gutierrez explained that the easement specifically allows use of the road to access the property and does not restrict the amount of traffic.

Councilmember Hack stated that he was sympathetic to GRF's concerns and asked if provisions could be included in the Conditional Use Permit (CUP) in order to meet both parties' needs.

City Manager Keane stated that CUPs typically expire when the business to whom they are issued leaves. The City Council has discretion to review use by new occupants on a project-by-project basis.

Councilmember Connors asked for clarification on the City Council's options.

City Manager Keane responded to Councilmember Connors' question and suggested that the General Plan's land use element could be reviewed if the City Council wishes. The process could take anywhere from six months to one year.

Councilmember Rhodes inquired about the applicant's timeline.

Mr. Bellafaire stated that his application was submitted in May 2009 and that he did not anticipate the process taking so long. He is currently on a month-to-month lease in the

City of Lake Forest.

Councilmember Hack supported City Manager Keane's idea to review the General Plan's land use element and suggested initiating related discussions with GRF.

Councilmember Rhodes concurred with Councilmember Hack and suggested that the City Council make a decision on the Saddleback Golf Cars project today.

City Manager Keane stated that staff could return to the City Council in 60 days with further information on a possible review of the General Plan's land use element.

Mayor Ring expressed his belief that the building would require major renovation for any type of use. He supports moving forward with the project.

Mayor Pro Tem Robbins noted that the building has been vacant and expressed his belief that the proposed project is suitable for the location.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve the Saddleback Golf Cars project:

A. Resolution No. 09-19 adopting Negative Declaration ND 09-01, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE DECLARATION ND-09-01 FOR SADDLEBACK GOLF CARS (ZC 09-01, CUP 559) LOCATED AT 23252 VIA CAMPO VERDE

AND

B. Introduced and approved first reading of an Ordinance approving Zone Change ZC 09-01, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A ZONE CHANGE OF A 1.23-ACRE PARCEL ZONED "PROFESSIONAL AND ADMINISTRATIVE OFFICE (PA)" TO "COMMUNITY COMMERCIAL (CC)" LOCATED AT 23252 VIA CAMPO VERDE (APN 621-131-26)

AND

C. Approved Resolution No. 09-20 authorizing Conditional Use Permit CUP 559, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 559) FOR THE OPERATION OF A GOLF CAR/CART RETAIL SALES AND SERVICE LOCATED AT 23252 VIA CAMPO VERDE

Council member Connors proposed that the City work with the Village Golden Rain Foundation to construct a golf cart path through their maintenance yard that would allow residents from the Village Gates 7 and 14 to get to the Willowtree Center via the Home Depot Center.

City Manager Keane noted that the City had in the past identified a trail system, but that parts of it were on private property and would require approval of those property owners and public access. She suggested that staff come back to the Council in early 2010 with additional information regarding this issue.

Councilmember Rhodes expressed his support for a citywide gold cart trail system.

7.2 Community Development Block Grant (CDBG)

City Manager Keane summarized the agenda report and noted a typographical error on page two in the first bullet point. The amount should be \$300,000.

Councilmember Hack stated that he is not in favor of the proposed sound attenuation enhancements and that the matter should be addressed by private property owners. He is in favor of the City Hall Phase III ADA project plan.

Mayor Pro Tem Robbins concurred with Councilmember Hack's comments.

Councilmember Connors asked if it is possible for the City to retain ownership of the proposed sound panels and the property owner to retain ownership of the actual wall. She also asked why Avenida de la Carlota was omitted from the potential locations list.

City Manager Keane stated that recent improvements were completed at this location by the County and CalTrans.

Mayor Pro Tem Robbins and Councilmember Hack expressed concerns about liability should the City proceed with improvements on private property.

City Manager Keane discussed a similar project on Moulton Parkway that was completed by the County of Orange and deeded to Laguna Woods Village after they accepted all responsibility and liability. She added that the City has not had any discussions with the Village regarding the proposed project.

Councilmember Rhodes noted that the wall size measurements in the agenda report should be reflected in linear feet. He mentioned that the maximum income requirement for the energy efficiency retrofit program seemed high for low-income qualifications.

City Manager Keane acknowledged the correction and stated that the income requirement guidelines are obtained from Federal Housing & Urban Development standards.

Community Services Manager Foley noted that Housing & Urban Development modifies

income requirements annually and that the City prioritizes applications so that the lowest qualified residents are selected first.

City Attorney McEwen responded to Councilmember Hack's liability concerns by stating that there would be no statutory basis for liability, although dangerous conditions could expose the City to liability.

The public hearing was opened.

Resident Marilyn Sortino asked if the barbed wire along the Laguna Woods Village walls would be removed, if the project were approved.

City Manager Keane reiterated that no discussions have been had with the Village, but indicated that the barbed wire would have to be removed to accommodate the panels.

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

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to approve an amendment to the existing three year Community Development Block Grant rehabilitation project for energy efficiency residential retrofit to increase funding from \$150,000 to \$312,500 for the second and third years of the program.

Moved by Councilmember Conners, seconded by Councilmember Hack, and carried unanimously to authorize staff to submit an application to the County of Orange for funding consideration under the Federal Community Development Block Grant Program for the City Hall Phase III ADA Master Plan.

Councilmember Conners asked staff for information on which sound attenuation projects would have a greater chance of receiving grant funding.

City Manager Keane indicated that any of the projects would be the largest amount the City has requested from the CDBG program. While there may be an increase of Federal funding available in the future, the County of Orange ultimately has funding discretion.

Councilmember Rhodes expressed his support for sound attenuation enhancements on El Toro Road.

Mayor Ring stated that he does not support the sound attenuation enhancements.

Councilmember Hack concurred with Mayor Ring's comments.

Moved by Councilmember Rhodes, seconded by Councilmember Conners to authorize staff to submit an application to the County of Orange for funding consideration under the Federal Community Development Block Grant Program for sound attenuation enhancements along the north and south sides of El Toro Road.

After brief discussion, Councilmember Conners withdrew her second and the motion was

withdrawn due to lack of a second.

Councilmember Connors asked if sound attenuation enhancements will be removed from the City's work plan.

City Manager Keane responded that she believed that was the consensus of the Council and she would follow that consensus.

7.3 Alternative Vehicle Parking Space Regulations

City Manager Keane summarized the agenda report.

Councilmember Rhodes asked for clarification on language in the ordinance defining an alternative vehicle as one that "does not contain doors." He indicated that some golf carts have doors.

City Manager Keane stated that the language was included to prohibit small cars from using alternative parking spaces.

Mayor Ring noted that small cars with doors opened on both sides, exceed the maximum allowable width in the alternative parking space.

Mayor Pro Tem Robbins asked for clarification on the effect of the proposed standard on the total number of parking spaces required for a given building.

City Manager Keane and Mayor Ring discussed the space saving benefits of alternative vehicle parking spaces.

The public hearing was opened.

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

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Connors, and carried with Councilmember Hack abstaining, to adopt Ordinance No. 09-07 to establish regulations for alternative vehicle parking spaces, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTERS 13.06 AND 13.18 OF THE
LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OFF-
STREET PARKING REGULATIONS

Councilmember Hack noted that he abstained because of his concerns with combining vehicles and golf carts on roadways and parking areas.

Councilmember Connors explained that her vote was intended to promote the use of alternative vehicles and safe transportation options for residents.

VIII. CITY COUNCIL

8.1 City Council Advisory Committee Appointments

City Manager Keane summarized the agenda report.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to make the following appointments:

- A. Virginia Templeton – Public Safety Advisory Committee Chair
- B. Mary Stone (Robbins) – Public Safety Advisory Committee
Beverly Margolis (Hack) – Public Safety Advisory Committee
Bobby Oakes (Hack) – Community Services Advisory Committee
Isabel Muennichow (Conners) – Land Use and Design Review Committee

Councilmember Conners thanked the citizens who serve on the committees, stating that their input is valuable to the City Council and staff.

IX. CITY MANAGER

9.1 OCTA Go Local Step 2 Bus/Shuttle Service Planning Agreement

Assistant City Manager Reilly summarized the agenda report and noted that the City will request that OCTA change “cost up to \$100,000” to “cost up to \$20,000.”

Councilmember Conners asked if the Laguna Woods Village buses or the Laguna Hills Transportation Center provided direct transportation to the Irvine Transportation Center.

Assistant City Manager Reilly responded that they do not.

City Manager Keane clarified that a public shuttle would require a pick-up location that is available to all members of the public and would need to be located near Moulton Parkway.

Councilmember Hack expressed concerns with the lack of available transportation after 6 p.m. when the Laguna Woods Village bus routes end.

Councilmember Rhodes and Mayor Ring both reported that access to the Los Angeles and Ontario airports, by way of bus, will soon be available from the Irvine Transportation Center.

Moved by Councilmember Hack seconded by Councilmember Conners, and carried unanimously to approve a cooperative agreement with the Orange County Transportation Authority (OCTA) for Go Local Step 2 bus/shuttle service planning of the proposed Laguna Woods – Laguna Hills – Lake Forest to Irvine Metrolink Station route, as amended to indicate a cost of up to \$20,000 with the City’s share no more than \$2,000.

X. CITY ATTORNEY’S REPORT

City Attorney McEwen stated that many cities are struggling to conform to the new state law regarding massage business regulations and commended staff and the City Council for adopting the new ordinance.

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack noted that ridership has been low due to the economy.

11.2 Orange County Library Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins announced that the ad hoc task force will conduct their second meeting on October 8, 2009 to review the library allocation consultant's report before forwarding with their recommendations to the Advisory Board on October 18, 2009.

11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes announced that he attended a meeting with representatives from the Orange County Professional Firefighters Association. He also participated in a ride-along with Station 22 firefighters and, along with Mayor Pro Tem Robbins, attended the September 11 Freedom Walk at City Hall. He encouraged all of the Councilmembers to schedule ride-alongs.

11.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack stated that the legislature continues to discuss water bills. He also attended a meeting that included a presentation on desalinization practices in Australia.

11.5 Coastal Greenbelt Authority (Councilmember Connors)

Councilmember Connors announced that the next meeting will be on September 17, 2009.

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes announced that the Foundation has completed an acquisition for a four and one-half acre parcel. Four new road signs will be installed for the Wilderness Park along Laguna Canyon Road in the Fall.

Councilmember Rhodes was uncertain if the Foundation's application for the City's grant program had been awarded.

City Manager Keane indicated that the Foundation has submitted an application, but that the subject has not been presented to City Council and no grants have been awarded.

11.7 Vector Control District Board (Board Member Bouer)

Board Member Bouer was not present.

XII. PUBLIC COMMENTS – None

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

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

13.2 Other Comments and Announcements

Councilmember Connors commented on her recent tour of the Orange County local landfill. She encouraged residents to get their flu shots and announced that the Florence Sylvester Senior Center and Laguna Woods Village will have them available.

XIV. CLOSED SESSION

14.1 The City Council met in closed session to confer with legal counsel regarding:

A. One matter of litigation: Jhin Kim, Individually and on Behalf of the Estate of Ki Sook Kim, Hanna Chung, Jung K. Kim v. Alice Foster, Golden Rain Foundation of Laguna Woods, City of Laguna Woods and (Does 1-60) Inclusive (Case No. 00110038), pursuant to the provisions of Government Code Section 54956.9(a).

B. One matter of potential litigation, pursuant to the provisions of Government Code Section 54956.9(c).

The City Council reconvened at 5:14 p.m. and advised that there was no reportable action.

XV. ADJOURNMENT

The meeting was adjourned at 5:15 p.m. to a meeting of the City Council at 2:00 p.m. on Wednesday, October 21, 2009 held at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: October 21, 2009

ROBERT B. RING, Mayor