

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
September 19, 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; Public Safety
 Director Macon; City Planner Kurnow; City Attorney Cosgrove

IV. PRESENTATIONS

Moved by Mayor Pro Tem Ring, seconded by Councilmember Robbins, and carried unanimously to approve:

- 4.1 2011 Food Facility Awards to:
- Bon A Pita – 24310 Moulton Parkway
 - Carl’s Jr. – 24342 El Toro Road
 - Guckenheimer Ent./Rossmoor Towers – 24055 Paseo del Lago
 - Hometown Buffet – 24381 El Toro Road
 - Jack-in-the-Box – 23562 Moulton Parkway
 - Moulton ARCO AM/PM – 24181 Moulton Parkway
 - Olive Garden – 24256 El Toro Road
 - Papa John’s Pizza – 23582 Moulton Parkway
 - Starbucks Coffee – 24338 El Toro Road
 - Starbucks Coffee – 24100 El Toro Road
 - Subway Sandwiches – 24338 El Toro Road
 - Subway Sandwiches – 23582 Moulton Parkway

Mayor Connors presented the certificates of award and noted that Guckenheimer Enterprise, Hometown Buffet, Olive Garden and Papa John’s Pizza were receiving their first awards; other recipients have received awards in past years.

V. CITY COMMENDATIONS AND PROCLAMATIONS

Moved by Councilmember Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve City Proclamation:

5.1 Proclamation – Fire Prevention Week, October 7-13, 2012

Mayor Connors presented the proclamation to OCFA Chief Bryce.

Chief Bryce made brief remarks and emphasized the importance of staying alert and keeping a watchful eye to prevent home fires. He announced that an open house will be held on October 13, 2012 at the Regional Operations and Training Center, 1 Fire Authority Road, Irvine.

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Ring, seconded by Councilmember Robbins, and carried unanimously to approve Consent Calendar Items 6.1 – 6.9.

6.1 Approved the minutes from the August 15, 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 August 2012 monthly Treasurer's Report.

6.4 Warrant Register

Approved the September 19, 2012 Warrant Register in the amount of \$495,898.39.

6.5 Employee Compensation

Approved **Resolution No. 12-14** modifying employee compensation, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION NO.
12-10 AND ESTABLISHING A COMPENSATION SCHEDULE FOR
CITY EMPLOYEES

6.6 Polystyrene Foam Exception Policy

Approved Administrative Policy 4.23, establishing a process for granting exceptions to the ban on polystyrene foam food service ware.

6.7 Moulton Smart Street Roadway Jurisdiction

Approved **Resolution No. 12-15** transferring ownership to the City of portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACCEPTING PORTIONS OF MOULTON PARKWAY, SANTA MARIA AVENUE, RIDGE ROUTE DRIVE, EL TORO ROAD AND VIA CAMPO VERDE, LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS, AS CITY HIGHWAYS AFTER COMPLETION BY THE COUNTY OF ORANGE OF CONSTRUCTION OF PORTIONS OF THE MOULTON SMART STREET PROJECT

6.8 Orange County Transportation Authority Cooperative Agreement

Approved Amendment No. 12 to Agreement No. C-0-0936, an agreement between the Orange County Transportation and City of Laguna Woods regarding City eligibility to receive Combined Transportation Funding Program (CTFP) and Bicycle and Pedestrian Facilities Program (BFPF) funding; and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.9 Memorandum of Understanding with Orange County Transportation Authority, County of Orange and cities of Irvine, Laguna Hills, Laguna Woods, Lake Forest to Amend the Master Plan of Arterial Highways

Approved the Memorandum of Understanding No. C-2-1592 with the Orange County Transportation Authority, County of Orange and cities of Irvine, Laguna Hills, Laguna Woods, Lake Forest to amend the Master Plan of Arterial Highways; and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

VII. PUBLIC HEARING

7.1 Cell Tower Modification (CUP-745)

City Manager Keane summarized the agenda report and noted that the project was submitted prior to new regulations implemented by Congress in early 2012. She explained that cities are no longer able to go through a discretionary review process for minor modifications to existing wireless towers; however, the applicant chose to proceed with the process.

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

Moved by Councilmember Hack, seconded by Councilmember Rhodes, and carried unanimously to approve **Resolution No. 12-16**, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

LAGUNA WOODS, CALIFORNIA APPROVING CONDITIONAL USE PERMIT CUP 745 FOR THE EXPANSION OF AN EXISTING "MINOR" WIRELESS FACILITY LOCATED ON THE ROSSMOOR TOWERS BUILDINGS AT 24055 PASEO DEL LAGO

7.2 Initial Study/Negative Declaration ND 12-02 – Aliso Creek Pedestrian Bridge and Service Road Reconstruction

City Planner Kurnow summarized the agenda report and noted that the proposed pedestrian bridge and service road are designed to stabilize the creek bed and provide safe access across and to Aliso Creek for pedestrians and service vehicles.

Councilmember Hack asked for clarification to the definition of Negative Declaration.

City Manager Keane explained that a Negative Declaration simply means that there is no negative impact on the environment.

The public hearing was opened.

Barbara Copely, resident and United Mutual Director, stated that it has been two years since the Golden Rain Foundation (GRF) first introduced the project. She stated that the City has delayed the project and asked Council to take immediate action.

City Manager Keane noted that the applicant believed that no environmental review was required for this project, but that the City was unable to make that finding and processed the project in accordance with city regulations and state law. She also noted that the City is only one part of the process and asked City Planner Kurnow to explain the roles of other environmental agencies.

City Planner Kurnow explained that the City filed an exemption request with the California Department of Fish and Game which denied the request, based on the scope of work which affects the stream bed.

City Manager Keane asked if there are pending approvals from other agencies.

City Planner Kurnow acknowledged that notices were sent to the Army Corps of Engineer and the Regulatory Water Quality Board. GRF must go through those agencies' permit process and meet their requirements.

City Manager Keane asked if the City has completed the building permit process.

City Planner Kurnow stated that there are several outstanding issues that must be resolved before the City can issue permits and the City is waiting from a response from the applicant to City comments on the plans.

Approval of the resolution was moved by Councilmember Hack, who noted that the City is waiting for further submission from GRF and that this is the first discussion presented to Council and that they can only proceed as fast as the process allows.

A resident asked if a draft of the bridge plans is available.

City Manager Keane stated that staff could make plans available for review by residents.

Mayor Connors discussed the statutory steps required by the City in regards to the environmental review process. She reiterated that the City has been responsive to the project.

A representative of GRF (the applicant) announced that they have received approval from the Department of Fish and Game and that they are only waiting on the outcome of the City's environmental process.

Councilmember Hack reiterated the roles of various agencies and noted that the City must conform to California Environmental Quality Act (CEQA) regulations.

A resident thanked the Council and staff for clarification of the project.

A resident noted that the existing service road is very rough and uneven.

City Manager Keane clarified that the proposed project includes reconstruction of the service road.

A resident asked if handrails are included in the project.

City Planner Kurnow stated that GRF and the City are still discussing this issue as part of the building permit process. The City believes the handrails are required, but GRF has asked for an exemption.

The resident asked if the bridge would be wide enough for wheelchair access and would there be something on the sides that would prevent someone from falling.

City Manager Keane reiterated that the City is waiting for GRF to provide documentation regarding deleting the handrails – at this point the City believes they are required.

A resident asked if the earliest and latest completion dates are available.

City Manager Keane stated that the City cannot make that determination and that GRF has its own processes. However, she noted that the environmental report will be completed once Council approves the resolution.

City Planner Kurnow confirmed that the City's building official indicated that the railing issue is being discussed. He further explained that there is a 30-day challenge period after adoption of the Negative Declaration.

City Manager Keane stated that it is up to the applicant if they wish to proceed with the project during the 30-day period.

A resident asked if it would take one month before approval of the building permit.

City Manager Keane stated that, from the City's perspective, it would take less time if the issue of the handrails can be resolved.

A resident asked why the process is taking so long to an already existing bridge that is undergoing repair.

City Manager Keane explained that the replacement bridge is not in the same location as the original bridge and, therefore, environmental review is required.

A resident asked why there is so much discussion about whether or not a railing should be included in the project; he hopes that common sense prevails and they are included.

City Manager Keane suggested that residents would have to discuss this matter with GRF.

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

Moved by Councilmember Hack, seconded by Councilmember Rhodes, and carried unanimously to approve **Resolution No. 12-17**, issuing Negative Declaration ND 12-02, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE
DECLARATION 12-02 FOR THE RECONSTRUCTION OF THE
ALISO CREEK PEDESTRIAN BRIDGE AND SERVICE ROAD

7.3 Community Development Block Grants

City Manager Keane summarized the agenda report beginning with the Rehabilitation Projects category. She noted that the City will solicit applications in October for the FY 2012-13 for the energy efficiency improvement program. Staff proposes that the City apply for continuation of this program in FY 2013-14.

Councilmember Hack asked about the status of the current eligibility list and how staff determines that the current list does not include residents who have received grants in prior years.

City Manager Keane stated that applications are checked against prior grantees.

Community Services Manager Foley confirmed that there are only a few names remaining of the existing list and they would be at the top of the new list.

City Manager Keane summarized the agenda report pertaining to Public Facilities and Improvement Projects. She explained that the existing City Hall electrical panel is insufficient for the new generator approved by the Council. She noted that City Hall is a designated "cooling center" and the generator is required to provide air conditioning if

there is an electricity failure. Staff proposes that the City apply for funds to enlarge the electric panel.

Councilmember Hack asked if the new electrical panel would provide sufficient electrical capacity if City Hall were to operate during a power outage.

Public Safety Director Macon affirmed that the electrical capacity would be equivalent and that only physical space is needed for a new larger panel.

City Manager Keane discussed the second priority proposed project which is lighting for City Centre Park. When the park was constructed, it was wired for lighting, but there was insufficient funding to purchase lighting fixtures. The proposed project would provide funding for safety lighting along the walkway and lighting at the activity center at the top of the facility.

Councilmember Hack asked if staff is proposing to modify the hours of operation of City Centre Park.

City Manager Keane clarified that the lighting at the upper level would require a key to turn on and off; and bollard lighting is proposed along the pathway.

Assistant City Manager Reilly clarified that current park hours are from dawn until dusk and the proposed lighting in the activity area would be turned on only for special events.

City Manager Keane explained that the intent of the public hearing is to discuss and prioritize the projects proposed as well as invite comments and suggestions from the public.

The public hearing was opened.

David Russell Ohrn, resident and member of the Village Amateur Radio Club, stated that he supports the proposal to add a generator to City Hall that can support a cooling center and the emergency communication center in the event of a disaster.

Barbara Copley, resident, stated that the cost to fund for lighting at City Centre Park seems excessive and asked Council to take careful consideration before acting on such expenditures. She believes that there are already sufficient facilities in the City to hold special events.

Mayor Connors indicated that the competitive grants are available to other cities in the county and that it is up to the Council to choose whether Laguna Woods should benefit from the funding.

Bevann Strom, a resident, commended the City for its efforts to serve the community as a whole and not just focus to the gated community. She noted that facilities such as City Centre Park improve the quality of life and the value of homes. She stated her support for the lighting project at City Centre Park.

Shari Horne, resident, stated that both projects will be assets to the community and she supports both. She suggested the City consider solar lighting for the park pathway.

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

Councilmember Rhodes stated that City Centre Park might be utilized more often with proper lighting, and he likes the idea of using solar lighting and is supportive of the project.

Councilmember Hack discussed the initial plans of City Centre Park and that further improvements could benefit residents of the City at large.

City Manager Keane noted that staff is looking into the City of Irvine's use of bollard solar pathway lighting to see if it is something the City could consider using. She announced that electrical wiring was already installed during the initial construction and can be used, should solar lighting prove ineffective.

Moved by Councilmember Robbins, seconded by Councilmember Rhodes, and carried unanimously to prioritize project proposals and authorized staff to submit applications to the County of Orange for funding consideration under the federal Community Development Block Grant (CDBG) Program:

1. Rehabilitation Projects:

First Priority: Low Income Residential Energy Efficiency Improvements Project (\$150,000)

2. Public Facilities and Improvements Projects:

First Priority: Phase VI Emergency Power and Appurtenances – Laguna Woods designated Severe Weather Shelter (\$250,000)

Second Priority: City Centre Park Safety Lighting (\$200,000)

VIII. CITY COUNCIL – None

IX. CITY MANAGER – None

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack reported that the Agency may be one year away from automating its toll collection process. He discussed the retirement of the Agency's CEO and the need to recruit to fill the position.

10.2 Orange County Library Board (Councilmember Robbins)

Councilmember Robbins reported that there was no meeting and that the next meeting is scheduled for October 18, 2012.

- 10.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes reported that there was no meeting and that the next scheduled meeting will be held in November. He reiterated Chief Bryce's invitation to visit OCFA headquarters' open house on October 13th and discussed the many services which the Authority and firefighters provide. He urged residents to express their gratitude by visiting Station 22.
- Mayor Connors concurred that the Authority provides various regional rescue services and training programs relevant to the community.
- 10.4 Southern California Water Committee (Councilmember Hack)
Councilmember Hack reported that the annual dinner will take place in October and he will be unable to attend. He announced that the Committee is involved in a number of projects, including the topic of waste water.
- 10.5 Coastal Greenbelt Authority (Mayor Connors)
Mayor Connors reported that there was no meeting and that the next scheduled meeting will be held tomorrow at 5 p.m. at City Hall.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes reported that the Board met on September 6, 2012 and approved the Fiscal Year 2012-13 Budget. The Foundation is in the process of acquiring the last 14 acres of property for the Laguna Coast Wilderness Park; fundraising efforts are going well; and the clearing of Arundo plants is underway. He noted that negotiations continue regarding the planned wildlife corridor and he reported on a recent event highlighting butterflies. The next scheduled meeting will be held on November 1, 2012.
- 10.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins noted that the Board's monthly report included 80 dead birds, 64 were tested for the West Nile Virus (WNV); 35 tested positive. However, none were from Laguna Woods or its neighboring cities of Lake Forest and Laguna Hills. Two more cases of the WNV one each in Anaheim and Cypress were reported, for a total of three in Orange County. He urged residents to empty any standing water which might attract mosquitoes. The next scheduled meeting will be held tomorrow, September 20th.

XI. PUBLIC COMMENTS

Barbara Copley, resident, expressed her concerns that a number of bird baths exist in the community that may be a breeding ground for the West Nile Virus. She asked if the City could work in collaboration with the Village to regulate the issue.

City Manager Keane stated that the City could look into the issue. She also noted that Vector Control is concerned with flea-borne typhus as well.

Councilmember Hack indicated that battery-operated bird baths, which control and move water so it does not stagnate, are available.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

A. League of California Cities/Orange County Division Quarterly Meeting, August 23, 2012 – Mayor Pro Tem Ring, Councilmember Hack

Mayor Pro Tem Ring reported that the main objective was to elect officers and the following is a list of top three seats: President – Keith Curry, Mayor Pro Tem City of Newport Beach; First Vice-President – Scott Nelson, Mayor Pro Tem City of Placentia; Second Vice-President – Bert Murdock, Mayor Pro Tem City of Brea. Michael Coleman was the guest speaker and he spoke on California's fiscal outlook.

Councilmember Hack felt that the speaker provided complex and insightful information and a thorough discussion of the history of government finance in California.

B. Water Advisory Committee Orange County (WACO), September 7, 2012 – Councilmember Hack

Councilmember Hack reported that the Army Corps of Engineers discussed a number of projects, including refurbishing and maintaining the Santa Ana Watershed. He discussed the problems associated with storing water at the site and asked the Corps if they had considered dredging as a solution. He was informed that they would discuss the topic at the next meeting.

12.2 Other Meetings, Comments and Announcements

Councilmember Rhodes commented on the American Legion's Freedom Walk from City Hall to Clubhouse 1 in commemoration of the tragic events of 9-1-1. He reported that speeches by Mayor Connors, OCFA Chief Bryce and OCSD Lieutenant Rudy were well received; however, the attendance was a disappointing low. He reminded residents to take notice of the event and not take freedom for granted. Councilmember Rhodes announced that the City's Laguna Woods Good Exchange took place on September 15th and again proved to be a success.

Councilmember Hack thanked staff who worked tirelessly on the event.

Councilmember Rhodes stated that he was impressed at how well organized this event was and that the large space to accommodate the event was a plus.

Councilmember Hack commented on the progress of the City Hall/Library Site project and expressed grave concern about safety to residents as they access the facilities.

City Manager Keane noted that staff is in the process of having the sidewalk area completed as quickly as possible and is looking at alternatives for safer access in the interim.

Mayor Connors reported on a meeting she attended of the OC Waste Management Commission. She announced an upcoming ribbon-cutting ceremony at the Alpha-Olinda site that recycles waste energy and captures methane gas which is purified and sold to OCTA to operate its buses. She also noted that the City Council has three open seats for the November 6th election with six candidates running. The League of Women Voters will host a candidate forum at City Hall on Monday, September 24th at 4 p.m. which will be broadcast and replayed at later dates.

XIII. CLOSED SESSION

13.1 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).

The City Council reconvened in open session at 4:00 p.m. City Attorney Cosgrove advised that there was no reportable action.

XIV. ADJOURNMENT

The meeting was adjourned at 4:00 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday October 17, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: October 17, 2012

CYNTHIA S. CONNERS, Mayor