

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
October 20, 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 Conners 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 Planner Drasler; Building Official Gates; City Attorney McEwen

IV. PRESENTATIONS

4.1 Orange County Human Relations Commission Annual Report: Commissioner Kenneth Inouye

Commissioner Inouye reviewed the Orange County Human Relations Commission's Annual Report for 2009-10, including one mediation settlement related to Laguna Woods. He noted that there have been no reported hate crimes in the City and commented on the Commission's successful collaboration with the Orange County Sheriff's Department.

V. CITY PROCLAMATIONS

Moved by Mayor Pro Tem Hack, seconded by Councilmember Conners, and carried unanimously to approve City Proclamation 5.1 – 5.2.

5.1 Proclamation – Breast Cancer Awareness Month, October 2010

5.2 Proclamation – National Health Education Week, October 17-23, 2010

VI. CONSENT CALENDAR

Moved by Councilmember Ring, seconded by Councilmember Rhodes, and carried unanimously to approve Consent Calendar Items 6.1 – 6.7.

6.1 City Council Minutes

Approved the minutes from the September 15, 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 September 2010 monthly Treasurer's Report.

6.4 Warrant Register

Approved the October 20, 2010 Warrant Register in the amount of \$668,181.18.

6.5 Rutan and Tucker Retainer Agreement

Approved a continuation of an agreement with the law firm of Rutan & Tucker to provide special legal counsel services with respect to the Laguna Woods City Hall.

6.6 CalRecycle Grants

Adopted **Resolution No. 10-17** authorizing submittal of current and future grant applications to CalRecycle, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF APPOLICATIONS TO THE DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY (CALRECYCLE) FOR FUNDING UNDER THE USED OIL PAYMENT PROGRAM

6.7 City Auditors

Authorized the City Manager to terminate the City's existing agreement with Mayer Hoffman McCann for annual audit services through Fiscal Year 2010-11.

VII. PUBLIC HEARINGS

7.1 Community Development Block Grant (CDBG)

Mayor Robbins opened the continued public hearing.

City Manager Keane introduced the item and noted that the City has the option of applying for funding through either the state or the county and that the City Council has selected the county program.

Assistant City Manager Reilly summarized the agenda report and discussed a proposed

project that would study storm drain/flood control issues in the cul-de-sac 67 area.

City Manager Keane noted that staff recommends prioritizing the projects as follows:

1. Storm Drain project
2. City Hall/Library site Americans with Disabilities Act improvements

Mayor Pro Tem Hack discussed flooding in 1996 at Moulton and El Toro. He expressed support for the storm drain project and suggested a joint application with other cities.

City Manager Keane responded that the City would have to request funding on its own, since the other cities have completed their CDBG public hearings. Construction would require a joint effort with the cities of Laguna Hills and Aliso Viejo. She further noted that the proposed project located at cul-de-sac 67 is different from the 1996 flooding at Moulton and El Toro. She suggested that the location at Moulton and El Toro may be included in a proposal for funding in the next fiscal year.

Moved by Councilmember Ring, seconded by Councilmember Rhodes.

Mary Wall, resident, expressed her concerns regarding the damage at cul-de-sac 67 from last winter's storm and questioned when the project would begin.

City Manager Keane explained that the site is located inside Laguna Woods Village and is on private property. The City has no jurisdiction to begin any improvements at this time. Declaring the site an Orange County Flood Control project could take a couple of years.

Assistant City Manager Reilly stated that it could take 2 to 3 years before construction actually begins.

City Manager Keane explained that a permanent solution to the issue is very extensive and would require the cooperation of neighboring cities.

Mayor Pro Tem Hack clarified that the grant funding would not be for the improvements, but rather for a study on how to address and solve the flooding problem.

Ms. Wall stated that many of the residents were interested in a timeframe.

Councilmember Connors concurred with Mayor Pro Tem Hack that current developments can no longer sustain the flow of water in the storm drains. While Laguna Woods Village is taking steps to divert water somewhere else, doing so may cause an additional problem. She assured Ms. Wall that other agencies are working on the issue.

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

Moved by Councilmember Connors, seconded by Councilmember Ring, and carried unanimously to submit an application to the County of Orange for funding consideration under the federal Community Development Block Grant (CDBG) Program and prioritize project proposals for Public Facilities and Improvement Projects as follows:

1. Storm Drain project
2. City Hall/Library site Americans with Disabilities Act improvements.

City Manager Keane stated that the County may award grant funding in a different order, regardless of the priorities that the City sets. She also confirmed that this application has no effect on the energy efficiency improvement grant program.

7.2 T-Mobile (CUP 656)

City Planner Drasler summarized the agenda report.

Mayor Pro Tem Hack asked if the project has been approved by the property owner.

City Planner Drasler stated that the property owner has approved the project.

Mayor Pro Tem Hack asked if the .7% of allowable exposure to radio frequency is a cumulative total of all cell sites in the City.

City Planner Drasler stated that it is a cumulative total for T-Mobile and AT&T on the project site.

Mayor Pro Tem Hack questioned if a study has ever been conducted to indicate the total allowable radio frequency in the entire City.

City Manager Keane explained that the City experiences poor coverage due to the low frequency produced from cell towers. She stated that the calculated .7% provides an adequate safety factor since the radio frequencies from individual cell towers diminish as you get further away from the tower site.

Mayor Robbins opened the public hearing.

City Manager Keane noted that a letter received in support of the project was the only written comment received.

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

Moved by Councilmember Ring, seconded by Councilmember Rhodes, and carried unanimously to approve **Resolution No. 10-18**, granting a conditional use permit to allow T-Mobile to install and operate an unmanned wireless communication facility located at 24962 Calle Aragon, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP 656 FOR T-MOBILE TO INSTALL AND OPERATE AN UNMANNED WIRELESS COMMUNICATION FACILITY LOCATED AT 24962 CALLE ARAGON

VIII. CITY COUNCIL

8.1 City Participation in Kiwanis Club “Welcome New Residents” Event (agendized by Councilwoman Connors)

Councilmember Connors removed Item 8.1 from the agenda.

8.2 City Council Meeting Schedule

City Manager Keane explained that the City is required to adopt several new water quality regulations by ordinance at the November 17, 2010 meeting. The ordinances require two readings and a meeting at least five days prior to the November 17th meeting is required. She recommended scheduling an adjourned regular meeting, rather than a special meeting, in order to allow other items to be placed on the agenda.

Moved by Councilmember Connors, seconded by Councilmember Rhodes, and carried unanimously to schedule an adjourned regular City Council meeting on Tuesday, November 9, 2010 at 2 p.m.

IX. CITY MANAGER

9.1 Administrative Policies: Acquisition and Disposition of Property

City Manager Keane summarized the proposed policies and explained that they would provide consistency in accepting donations and disposing of surplus property.

Mayor Pro Tem Hack suggested that the City Council consider all donations of real property, regardless of value.

City Manager Keane stated that the City Council has always taken action, in the past, on donations of real property, including City Centre Park, the Rossmoor property, and a property offered by Mutual 50 which the City Council declined. She noted that the proposed policy contains this provision.

Councilmember Rhodes expressed his concerns that the proposed policy would provide authority to staff without oversight. He suggested that staff should have the concurrence of the Mayor or Mayor Pro Tem prior to accepting donations.

Councilmember Connors asked if Councilmember Rhodes’ concerns could be addressed if staff reported donation to the City Council at a future meeting. City Manager Keane noted that the policy authorizes staff to accept donations up to \$1,000 in value there are so few donations that an annual report might be appropriate.

Mayor Pro Tem Hack stated that most items donated have minimal value and he himself has donated a microwave. He believes that the \$1,000 threshold is fair and noted that the City Council grants the City Manager authority for much larger expenditures in her oversight of City operations.

Mayor Robbins stated that he is confident that staff can make decisions on donations with the \$1,000 threshold

Moved by Councilmember Ring, seconded by Mayor Pro Tem Hack, and voted 4 to 1 to approve Administrative Policy 2.6: Donations of Property and Money and 2.7: Disposition of Surplus Property.

AYES: Conners, Ring, Hack, and Robbins

NOES: Rhodes

9.2 Building and Construction Codes

City Manager Keane introduced Gary Gates, the City's Building Official, and noted that a public hearing is required that it will be held at the second reading of the proposed ordinance.

Building Official Gates noted a typographical error on page 84 of the proposed ordinance. The reference in Section 10.24.040 to California Green Building Standards Code Section 4.301.1 should read 4.304.1. He provided a summary of the agenda report.

City Manager Keane asked if any change of electrical outlet would require that an Arc Fault Circuit Interrupter (AFCI) to be installed.

Building Official Gates stated that the City does not require a permit for a change-out on internal portions, but that new state regulations specifically require AFCIs.

City Manager Keane explained that the State adopts mandatory standards and allows cities to adopt more, but not less, stringent standards.

Councilmember Ring asked for clarification regarding the difference between the standard electrical plugs and the new AFCI requirement.

Building Official Gates stated that the standard plug is similar to a ground fault and does not have the arc-fault. He explained that the new requirement is typically installed at the circuit breaker rather than at each plug. The arc-fault prevents heat build-up and shuts off power immediately to prevent a fire.

Councilmember Rhodes asked for clarification on the location of the arc-fault detector and how it is turned off. He stated that new construction requires circuit breakers with an arc-fault and asked if the requirement applies to remodels as well.

Building Official Gates stated that it is directly incorporated into the circuit breaker and that he has seen some directly installed on a standard plug, although he is not certain that practice still exists. He noted that remodeling requires an arc-fault be installed.

Councilmember Rhodes asked if all circuits at the breaker need to be replaced or only the plug that is being installed.

Building Official Gates responded that the requirement would be for the new plug.

Fire Marshall Dennis Grubb, Orange County Fire Authority, stated that arc-faults are typically installed at the circuit breaker.

Councilmember Ring asked if the new GFI would fit into the old circuit breakers.

Fire Marshall Grubb responded affirmatively. He stated that most fire calls are electrical in nature and that the new regulations will help reduce those calls.

Building Official Gates pointed out that there may not be new GFIs available that are compatible with some of the older systems and that this could result in added costs for room additions and renovations.

Moved by Councilmember Conners, seconded by Councilmember Ring, and carried unanimously to:

- A. Schedule a public hearing to receive public input on City Building and Construction Codes for November 17, 2010.
- B. Approve introduction and first reading of one ordinance modifying Laguna Woods Building and Constructions codes, entitled:

AN ORDINANCE OF THE LAGUNA WOODS, CALIFORNIA,
AMENDING TITLE 10 OF THE LAGUNA WOODS MUNICIPAL
CODE BY ADOPTING BY REFERENCE THE 2010 EDITIONS OF
THE CALIFORNIA BUILDING, FIRE, RESIDENTIAL, PLUMBING,
ELECTRICAL, MECHANICAL AND GREEN BUILDING
STANDARDS CODES, AND RELATED MODEL AND UNIFORM
CODES, WITH APPENDICES AND AMENDMENTS THERETO

X. CITY ATTORNEY'S REPORT

No report.

XI. COMMITTEE REPORTS

- 11.1 Transportation Corridor Agencies (Mayor Pro Tem Hack)
Mayor Pro Tem Hack discussed tolling systems and collection issues.
- 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 announced that 12 firefighters received service awards during the last Orange County Fire Authority Board meeting. He also discussed the reserve fire fighter program, budget issues, and a recent open house event at Station 22.

Mayor Pro Tem Hack and Councilmember Rhodes discussed liability issues related to the Orange County Fire Authority's volunteer programs.

- 11.4 Southern California Water Committee (Mayor Pro Tem Hack)
Mayor Pro Tem Hack discussed the Committee's annual dinner event and thanked staff, Councilmembers, and the El Toro Water District for attending.
- 11.5 Coastal Greenbelt Authority (Councilmember Conners)
Councilmember Rhodes attended the last meeting as an alternate for Councilmember Conners. He discussed trail improvements, park rules, and a Caltrans signage project that the Authority is opposed to. He stated that the Authority's mission statement and organization are being reviewed for possible modification.
- 11.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes stated that the Foundation is undergoing a major reorganization and that a consulting firm has been hired to guide the process.
- 11.7 Vector Control District Board (Board Member Bouer)
Board Member Bouer was not present to provide a report.

XII. PUBLIC COMMENTS

Kay Margasson, resident, suggested that the white posts at Laguna Woods Village Gate 6 should be installed at the entrance to Gate 2 to serve as a guide to drivers.

City Manager Keane and Mayor Pro Tem Hack asked if the posts are located on private property or the City's property.

Ms. Margasson responded that the posts are on the Laguna Woods Village property and that they would improve safety if installed at Gate 2.

City Manager Keane noted that the Gate 2 area is in the vicinity of Paseo de Valencia and may be in City of Laguna Hills. She suggested that Ms. Margasson speak with Assistant City Manager Reilly for further assistance.

Councilmember Conners asked Ms. Margasson if she has spoken to the Golden Rain Foundation about her suggestion.

Ms. Margasson stated that she had not spoken with Golden Rain Foundation and that she was told by the gate ambassador to ask the City.

Councilmember Conners suggested that the Laguna Woods Village Maintenance and Construction Committee would be familiar with the issue.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

- 13.1 Reports on Meetings Attended (Government Code §53232.3)
Mayor Robbins stated that a report on the Southern California Water Committee's annual dinner event was previously provided by Mayor Pro Tem Hack. Councilmember Ring commented on his attendance.

- 13.2 Other Comments and Announcements

Councilmember Connors discussed the City's upcoming free flu shot clinic, the City and Laguna Woods Village's decision to use biodegradable doggie bags, and a safety meeting she attended at the San Onofre Nuclear Generating Station. She has suggested to staff that they consider efforts to recycle garbage waste at restaurants and food stores. She invited the City Council and staff to join her in a Waste Management Commission function on October 27th.

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 adjourned regular meeting will be at 2:00 p.m. on Tuesday, November 9, 2010 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: November 17, 2010

MILTON ROBBINS, Mayor