

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
November 16, 2011
2:00 P.M.**

I. CALL TO ORDER

Mayor Hack 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 Ring led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Ring, Robbins, Conners, Hack
 ABSENT: Rhodes

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Public Safety Director Macon; Community Services Manager Foley; Deputy City Clerk Trippy; City Attorney Cosgrove

IV. PRESENTATIONS – None

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

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

6.1 City Council Minutes

Approved the minutes from the October 19, 2011 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 October 2011 monthly and Fiscal Year 2011-12 first quarter (July-September) Treasurer's Reports.

6.4 Warrant Register

Approved the November 16, 2011 Warrant Register in the amount of \$1,307,037.93.

6.5 Employee Compensation

Approved **Resolution No. 11-22** re-adding the part-time maintenance technician to the City's compensation schedule, entitled:

A RESOLUTION OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, MODIFYING RESOLUTION NO. 11-12, AND RE-
ESTABLISHING COMPENSATION FOR THE PART-TIME
POSITION OF GENERAL MAINTENANCE TECHNICIAN

6.6 Notice of Completion – Santa Maria Multi-Modal Trail Project

- A. Accepted project completion of a contract with GASS Construction Co. for the Santa Maria Multi-Modal Trail Project.
- B. Release contract retention in the amount of \$30,800.76 withheld per government code 35 days following recordation of Notice of Completion with the County of Orange.
- C. Exonerate project posted bonds 35 days following recordation of Notice of Completion with the County of Orange.

6.7 Notice of Completion – Santa Maria Pavement Rehabilitation Project

- A. Accepted project completion of a contract with All American Asphalt for the Santa Maria Pavement Rehabilitation Project.
- B. Release contract retention in the amount of \$60,794.70 withheld per government code 35 days following recordation of Notice of Completion with the County of Orange.
- C. Exonerate project posted bonds 35 days following recordation of Notice of Completion with the County of Orange.

VII. PUBLIC HEARING

7.1 Temporary Uses and Special Events Regulations

City Manager Keane summarized the agenda report and stated that the proposed ordinance would modify existing regulations for special events and temporary use permits. Modifications would include a new municipal code section for special events permits; requirements for applications, approval and denial of applications, indemnification and insurance, signage and increase permit timeframes for both special event and temporary uses.

Mayor Pro Tem Conners asked if it was unanimously approved by the Committee.

City Manager Keane clarified that the Land Use and Design Review Committee unanimously approved the proposed regulations prior to the final draft, however, there were no significant changes made. The Committee was concerned whether or not a special events permit should be required for any tournaments held at the golf course and the Committee recommended that it should. The City could not find a legal basis to enforce the issue; however, if an event is expected to exceed the allowable parking requirements, a special event permit and a parking plan would be required.

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

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously approved introduce and first reading of an ordinance modifying regulations for temporary uses and special events, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTERS 13.06
AND 13.26 OF THE LAGUNA WOODS MUNICIPAL CODE
PERTAINING T TEMPORARY USES AND SPECIAL EVENTS AND
ADDING CHAPTER 7.20 TO THE LAGUNA WOODS MUNICIPAL
CODE PERTAINING TO SPECIAL EVENTS

VIII. CITY COUNCIL

8.1 Advisory Committee Appointments

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to ratify nominations for City Council advisory committees, as follows:

Land Use and Design Review Committee
Phil Doran, nominated by Mayor Hack

Public Safety Committee
Ruth May, nominated by Councilmember Robbins

8.2 Appointments to Regional Boards and Committees

City Manager Keane explained that the City recently became aware of an advice letter from the Fair Political Practices Commission (FPPC) that reinterprets a section of the conflict of interest code. Councilmembers who are appointed by the City Council to serve on committees or boards for which they receive more than \$250 a year in compensation cannot participate in the nomination or voting process.

City Attorney Cosgrove explained that his firm has submitted a request to FPPC for a formal interpretation of the regulations. In the interim and to avoid any problems, he suggested that Council reappoint members of committees and boards for which they

receive compensation, and that the individual being appointed leave the Council Chambers prior to each re-appointment.

City Manager Keane noted that there are only city appointments to three agencies that are affected – Orange County Fire Authority, San Joaquin Corridor Authority and Orange County Vector Control District. Councilmember appointments to committees by the City Selection Committee or the Orange County Council of Governments would need to be reviewed by those agencies, not the City.

Mayor Pro Tem Conners asked for clarification that FPPC’s letter prohibits a Councilmember from nominating or voting for their own appointment.

City Manager Keane affirmed that is true. She noted that Mayor Pro Tem Conners would chair the meeting, when Mayor Hack steps out prior to his reappointment to the San Joaquin Corridor Authority Board of Directors.

Moved by Councilmember Ring, seconded by Councilmember Conners, and carried unanimously to appoint Councilmember Rhodes to the Orange County Fire Authority Board of Directors (Hack, Conners, Robbins, Ring).

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to appoint Mayor Hack to the San Joaquin Corridor Authority Board of Directors (Conners, Robbins, Ring).

Moved by Mayor Pro Tem Conners, seconded by Councilmember Ring, and carried unanimously to appoint Councilmember Robbins to the Orange County Vector Control District Board of Directors (Hack, Conners, Ring).

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to appoint Mayor Pro Tem Conners as the City’s alternate member to the Orange County Fire Authority and the San Joaquin Transportation Corridor Authority Boards of Directors (Hack, Ring, Robbins).

City Attorney Cosgrove noted for the record that each councilmember recused him or herself from voting by leaving the Council Chambers.

IX. CITY MANAGER

9.1 2012 Community Services Grants

City Manager Keane introduced Community Services Manager Foley who summarized the agenda report.

Following the staff report, City Manager Keane noted that Councilmember Ring has an apparent conflict of interest with one of the staff recommendations (Saddleback Memorial Foundation). City Attorney Cosgrove suggested that this matter be taken up separately and that Councilmember Ring leave the Council Chambers during this discussion.

Councilmember Ring left the Council Chambers and City Attorney Cosgrove noted that Councilmember Ring is leaving the Council Chambers because he is a Board member of the Saddleback Memorial Foundation, which is being considered for a grant award.

Mayor Hack asked for clarification that Saddleback Memorial Foundation's request for funds would be to purchase medical equipment for residents of Laguna Woods.

Community Services Manager Foley affirmed that it is.

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

Award a community services grant to Saddleback Memorial Foundation in the amount of \$7,500.

Councilmember Ring re-entered the Council Chambers.

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

Award a total of \$47,500 in competitive community services grants to five (5) grantees: The Braille Institute (\$15,000), South County Outreach (\$15,000), Trauma Intervention Program (\$3,500), Dayle McIntosh Center (\$4,000), and the Foundation of Laguna Woods Village (\$10,000).

Award a total of \$75,000 in community services grants to Age Well Senior Services, to be used for:

- Adult Day Care Services (\$22,500)
- Transportation Services (\$22,500)
- General operations at Florence Sylvester Memorial Senior Center (\$30,000)

9.2 Emergency Management

City Manager Keane introduced Public Safety Director Macon who summarized the agenda report.

City Manager Keane noted that the City had been unsuccessful in getting a quorum of committee members in the past and that there is a Brown Act concern that prevents the committee from meeting without a quorum. The recommendation is for the City Council to serve as the Disaster Council, advised by its Public Safety Committee. In addition, the proposed ordinance clarifies the powers of the City Manager during a disaster.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Ring, and carried unanimously to approve introduction and first reading of an ordinance modifying the Disaster Council membership and emergency management powers, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,

CALIFORNIA, AMENDING CHAPTER 7.04 OF THE LAGUNA
WOODS MUNICIPAL CODE PERTAINING TO EMERGENCY
MANAGEMENT

X. COMMITTEE REPORTS

- 10.1 Transportation Corridor Agencies (Mayor Hack)
Mayor Hack reported that the Agency is continuing its process to implement cashless tolling.
- 10.2 Orange County Library Board (Councilmember Robbins)
Mayor Robbins stated that there was no meeting.
- 10.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes was not present to provide a report.
- 10.4 Southern California Water Committee (Mayor Hack)
Mayor Hack announced that he is looking forward to the annual quarterly meeting tomorrow night with retired Judge Wanger as the guest speaker.
- 10.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)
Mayor Pro Tem Conners stated that a meeting is scheduled tomorrow in Laguna Beach.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes was not present to provide a report.
- 10.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins reported that 47 calls were received for dead birds; 8 crows tested positive for the West Nile Virus in October. There have been a total of five fatalities in California.

XI. PUBLIC COMMENTS

Hal Goldberg, resident, distributed handouts pertaining to the Department of Fish and Game's regulations on coyotes, which suggests that they are the only agency authorized by state law to trap and kill coyotes. He discussed the recent actions of the City of Calabasas and asked Council to consider rescinding the City's coyote ordinance.

Mayor Hack stated that the City conducted a preliminary activity with Fish and Game. The ordinance was carefully drawn to allow shooting permit only with concurrence of the City Manager and the Chief of Police Services. To date, two permits have been issued and 10 coyotes removed – 9 by trapping and one by shooting. He noted that two children were viciously attacked by coyotes in the past in south Orange County cities.

Mr. Goldberg asked if he could be allowed to review the communication with the Department of Fish and Game.

Mayor Hack stated that they have an office on the second floor of City Hall.

Mr. Goldberg stated that after speaking with various Departments of Fish and Game, it has become confusing to determine as to who has jurisdiction.

City Manager Keane stated that staff did have communication with Fish and Game but not in writing. Laguna Beach Animal Control kept them aware of the situation, including the City's consideration of a permit process; however, Fish and Game chose not to comment.

Mr. Goldberg asked if it would be possible to reconsider the issue.

Mayor Hack stated that it is possible, however, it is unlikely.

Mayor Pro Tem Connors stated that Laguna Woods' circumstances differ from Calabasas. The City has removed the aggressive coyotes and all removal efforts have ceased as currently coyotes are not causing problems. She noted that the City will vigorously fine anyone who willingly feed wild animals. Educational fliers have been distributed in hopes that we can all co-exist.

Bert Muldow, resident, discussed his concerns regarding the dangers of the San Onofre Nuclear Generating Station (SONGS). He feels that these are similar to those found in Japan's recent nuclear power plant disaster and suggested that Council initiate a discussion with the City of San Clemente, the nuclear plant and regulatory agencies to discuss the need to initiate precautionary actions.

Mayor Hack asked to consider adding an item to the December agenda that would allow the mayor to send a letter regarding offsite storage of used fuel rods be stored off-site. He noted that he is not interested in limiting available electricity.

The City Council agreed to add this matter to their December agenda.

Mayor Pro Tem Connors suggested that representatives from SONGS should be present.

City Manager Keane affirmed that San Onofre will be contacted. She noted that a representative from San Onofre was present during a recent Public Safety Committee, however, the committee decided not to take action at the time.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

A. Metropolitan Water District of Orange County 60th Anniversary Dinner, October 20, 2011 (Mayor Hack)

Mayor Hack reported that the guest speaker was the keeper of legislative records pertaining to water policies. Discussion covered the history and major activities which changed policy to transport water to Southern California.

B. California Joint Powers Insurance Authority Annual Educational Conference, October 26, 2011 (Mayor Pro Tem Connors)

Mayor Pro Tem Connors reported that she and City Manager Keane attended the conference. Seminars attended included discussion on risk transfer and contracts, management of workers' compensation, volunteers' exposure, and social media.

12.2 Other Meetings, Comments and Announcements

Councilmember Robbins announced that Senator Mimi Walters will be holding a town hall meeting to discuss identity theft prevention on November 30, 2011 from 2 – 4 p.m. at Club House 3. The event is open to the public, but reservations are required.

Mayor Pro Tem Connors reported on a meeting she attended at Orange County Transportation Authority regarding plans to widen the Interstate 5 freeway from Highway 133 to Crown Valley to include a carpool lane and an unrestricted lane and the addition of bicycle facilities on Metrolink trains. She also reported on a Waste Management Commission meeting and new state legislation designed to increase recycling and landfill diversion.

Councilmember Ring reported on a meeting he and Mayor Hack attended at the Southern California Association of Governments (SCAG). Councilmember Ring is a member of the Community, Economic and Human Development (CEHD) which met to approve the final Regional Housing Needs Assessment (RHENA) allocation methodology.

Mayor Hack discussed the Transportation portion of the RHENA allocation methodology. He reported that there is insufficient funding to maintain bridges and roadways in the state and SCAG is considering plans to improve this situation which will be presented to the Regional Council for discussion in December.

XIII. CLOSED SESSION

Mayor Hack announced that that there was no need for closed session.

XIV. ADJOURNMENT

The meeting was adjourned at 3:22 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, December 7, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: December 7, 2011

BERT HACK, Mayor