

**CITY OF LAGUNA WOODS, CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING  
December 19, 2012  
2:00 P.M.**

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**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**

Mayor Pro Tem Rhodes 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; Deputy City Clerk Trippy; City Attorney Cosgrove

**IV. PRESENTATIONS - None**

**V. CITY COMMENDATIONS AND PROCLAMATIONS**

5.1 Rob Merritt: Retirement from Channel 6

Mayor Connors commended Rob Merritt for his impartial dedicated reporting of community news and noted that he is greatly admired in the community.

Mayor Pro Tem Ring thanked Mr. Merritt and his wife for his service to the community.

Councilmember Hack announced that Mr. Merritt is known for his extensive knowledge of the community and will be greatly missed.

Councilmember Robbins reminisced of the earlier days of Mr. Merritt's work and congratulated him on his retirement.

Councilmember Rhodes seconded the motion. Councilmember Rhodes stated that Mr. Merritt has been professional and cordial at all times and that it has been a pleasure working with him.

City Manager Keane, on behalf of staff, thanked Mr. Merritt for his dedicated service and assistance on City programs.

Moved by Mayor Pro Tem Ring, seconded by Councilmember Rhodes, and carried unanimously to approve the City Commendation to Rob Merrit for his retirement from Channel 6.

**VI. CONSENT CALENDAR**

Moved by Mayor Pro Tem Ring, seconded by Councilmember Robbins and carried unanimously to approve Consent Calendar Items 6.1 – 6.12.

6.1 Approved the minutes from the November 14, 2012 adjourned 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 November 2012 monthly Treasurer's Report.

6.4 Warrant Register

Approved the December 19, 2012 Warrant Register in the amount of \$531,801.03.

6.5 Citywide Speed Limits

A. Adopt **Ordinance No. 12-10** establishing speed limits on city streets, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RESCINDING SECTION 8.06.010 OF THE LAGUNA WOODS MUNICIPAL CODE AND ADOPTING AND ESTABLISHING SPEED LIMITS ON CITY STREETS

B. Coordinate signage and enforcement with the City of Laguna Hills to assure consistency along the roadway.

6.6 City Hall/Library Accessibility Improvements

A. Accepted project completion of a contract with Astra Builders, Inc. for the City Hall/Library Accessibility Improvements.

B. Release contract retention in the amount of \$11,604.15 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange.

C. Exonerate project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange.

6.7 Community Development Block Grant Energy Efficiency Retrofit Program

Approved three-year contracts with Saddleback Windows and Doors and Schaeff Heating and Air Conditioning for energy efficiency equipment; and authorized the City Manager to execute the contracts, subject to approval as to form by the City Attorney.

6.8 Traffic Signal Maintenance Services

Authorized the City Manager to execute an agreement with Siemens, Inc. for traffic signal maintenance services from January 1, 2013 to June 30, 2015 with two one-year optional extensions, subject to approval as to form by the City Attorney.

6.9 Street Maintenance Services

Authorized the City Manager to execute an agreement with PV Maintenance, Inc., for street maintenance services from January 1, 2013 to June 30, 2015 with two one-year optional extensions, subject to approval as to form by the City Attorney.

6.10 Measure M2 Expenditure Report

Approved **Resolution No. 12-21** accepting the Fiscal Year 2011-12 annual Measure M2 expenditure report, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LAGUNA WOODS

6.11 Development Impact Fees Annual Report

Received and filed.

6.12 Investment Policy

Approved **Resolution No. 12-22** ratifying the City's 2012 Investment Policy, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACKNOWLEDGING THE REVIEW, RECEIPT AND FILING OF THE ANNUAL STATEMENT OF INVESTMENT POLICY

**VII. PUBLIC HEARING**

7.1 Local Hazard Mitigation Plan

Public Safety Director Macon summarized the agenda report and noted that the proposed Plan will establish a long-term strategy for lessening the potential effects of disasters on residents and businesses. Should Council adopt the Plan, it will also allow the City to apply for federal non-emergency grant funding.

Councilmember Hack stated that he is supportive of the Plan and that staff has done a great job.

Mayor Connors stated that the City has already initiated some of mitigation identified in the Plan. The goal is to maximize the effectiveness of public services in the event of an emergency.

The public hearing was opened.

David Russell Ohrn, resident, stated that he is pleased to see that the City is adopting the Plan and that he understands it is one of the first in the state to adopt some of the elements.

Ms. Jimenez, resident, asked for clarification if the Plan, which includes radiologic accidents, addresses the San Onofre Nuclear Generating Stations (SONGS) in the event of an emergency.

Public Safety Director Macon affirmed that it does.

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. 12-23** adopting a Local Hazard Mitigation Plan, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE 2013-2017 CITY OF LAGUNA WOODS LOCAL HAZARD MITIGATION PLAN AND AUTHORIZING FUTURE NON-SUBSTANTIVE AMENDMENTS AS IDENTIFIED BY CITY, STATE, OR FEDERAL ENTITIES

## VIII. CITY COUNCIL

### 8.1 San Onofre Nuclear Generating Stations (SONGS)

Mayor Connors noted that today's discussion is a continuation of the discussion at the November Council meeting to assure sufficient notice for the public to voice their opinions.

Beverly Finlay-Kaneko, Huntington Beach, stated that she lived in Japan with her husband and son until after the Fukushima earthquake. She discussed her family's decision to move back to California, in light of the radiological effects and the on-going crisis at Fukushima. She expressed her concerns regarding the operation of San Onofre.

Bert Moldow, resident, reminded the Council of his previous request that the City object to Southern California Edison's (SCE) request to reopen San Onofre at partial power. He discussed various issues pertaining to SONGS, including increased fees for ratepayers. He noted that there has been sufficient electric power available to meet the area needs

during the plant's closure. Mr. Muldow suggested that experts from both sides of the issue should address the Council so that they will have all the facts.

Verna Rollinger, Laguna Beach, urged the Council to request that the NRC address the license amendment process pertaining to SONGS. She expressed concern that the ratepayers will bear the costs associated with the generator failures and suggested that Council should ask the California Public Utilities Commission (CPUC) to address the issue. She distributed a copy of the resolution regarding SONGS that was adopted by the City of Laguna Beach.

Gary Headrick, co-founder of San Clemente Green, discussed his role in opposing the reopening of SONGS. He noted that he was contacted anonymously about the dangers associated with the replacement of the steam generators in 2010 and since then, there have been safety concerns raised by SONGS' employees as well as an FBI investigation. He feels that there are doubts as to the credibility of SCE.

Marilyn Ditty, Executive Director of Age Well Senior Services, stated that she has been involved with the NRC and SONGS for many years pertaining to safety issues, particularly its effects to the elderly community. She is confident of SCE's due diligence and that the NRC has the ability to regulate SONGS. She would like to provide SCE the opportunity to go through their proposed testing process.

Frank Wasco, SCE Regional Manager, addressed some of the issues raised by prior speakers, emphasizing SCE's commitment to safety and the oversight role of the NRC. He referenced a recent (after Fukushima) NRC assessment of nuclear plants in the United States that reaffirmed the safety and appropriateness of SONGS's 10-mile evacuation zone. He noted that Laguna Woods is not in the evacuation zone, but is in the 20-mile public education zone. He discussed SCE's 2008 filing for two license amendments, which were publicly noticed and unopposed and subsequently approved by the NRC. He also discussed the review process that would address any cost recovery to ratepayers.

An unidentified woman noted that, in her opinion, SCE cannot protect the community from the dangers of SONGS in the event of an earthquake or tsunami.

Shari Horne, resident, discussed SCE's poor safety record and the FBI's investigation of the facility. She stated her concern that SCE had taken adequate corrective action and SONGS continue to pose a danger to the community.

Bert Baum, resident, spoke in opposition to reopening SONGS. He noted that discussion is required with experts to see if the reopening of SONGS is safe.

Janice Berston, resident, stated that since the first hearing regarding SONGS, SCE has emphasized on safety, but she was surprised how quickly they proposed to reopen.

Irv Snyder, resident and member of the Laguna Woods Village Disaster Task Force, discussed his concern that the community is within the vicinity of danger, regardless of NRC's suggested 20-mile public educational radius. He noted that he supports keeping SONGS closed and that he believes there is no energy shortage problem.

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

Councilmember Hack provided his perspective on the issue and discussed the problems associated with finding alternative clean energy. He acknowledged that the topic is a serious issue; however, closing the nuclear plant will not address the storage issues of spent fuel. He stated his belief that the NRC will determine how best address the process of testing SONGS before allowing it to reopen.

Councilmember Rhodes noted that, in his opinion, the issue is whether the NRC can accurately determine that safe power can be achieved by SONGS. He does not believe that it is unreasonable for the public to request an unbiased engineering evaluation of SONGS, provide open hearings on the issue, and reassurance ratepayers that they will not be burdened with the cost associated with SONGS.

Mayor Pro Tem Ring stated that he is not an expert on the issue and that the concerns of the public whether or not the NRC is doing its job can be better addressed in a court of law. He discussed the various information he is aware of pertaining to this issue. He noted that he feels that neither SCE nor its opponents are willing to listen to each other.

Councilmember Robbins noted that he believes it is up to the NRC to regulate nuclear energy issues.

Mayor Connors acknowledged that the public is requesting assurances about the safety of SONGS, but that she does not believe that nuclear energy can be hazard-free. She discussed the possible shortage of electricity and the rising costs associated with the closure of SONGS. She noted that the issues at SONGS require technical solutions; and she does not feel comfortable directing the NRC how to perform its duties. She encouraged the public to stay involved on the issue and continue to voice their opinions.

Moved by Councilmember Rhodes that staff be directed to prepare a letter to the NRC encouraging them to 1) continue their investigation, 2) provide assurances to the public that required safety requirements are met and 3) schedule public hearings to keep the public informed.

City Attorney Cosgrove suggested that the motion and direction to staff needed to be clarified.

City Manager Keane asked if it was Councilman Rhodes intention that staff draft a letter and return to the Council for action in January.

Councilmember Rhodes agreed that was his intent.

The motion died for lack of a second.

Mayor Connors announced a two-minute recess.

The City Council reconvened at 3:57 p.m.

**IX. CITY MANAGER**

## 9.1 City Hall Low Impact Development Retrofit Project

City Manager Keane noted that the City Council has discussed the need to make the second floor attic a more usable space for several years. The proposed retrofit project will support this goal as well as address a number of water quality/urban run-off objectives.

Public Safety Director Macon summarized the agenda report and noted that the project seeks to minimize the impact to development on the natural environment by providing a variety of environmental and facility-related enhancements to City Hall.

Councilmember Hack stated that he is pleased about the potential project, which would create an additional 2,200 square feet of usable space in City Hall.

Councilmember Rhodes asked about the status of the budgeted generator and if it will be installed before this project.

City Manager Keane stated that the generator project is combined with the trash enclosure project; construction on this project is scheduled to begin in April-May 2013.

Moved by Mayor Pro Tem Ring, seconded by Councilmember Hack, and approved unanimously to:

- A. Authorized the City Manager to execute a Proposition 84 Stormwater Grant Program Agreement with the State Water Resources Control Board for the City Hall Low Impact Development Retrofit Project, subject to approval as to form by the City Attorney.
- B. Allocate \$344,903 from the City's unallocated General Fund balance to provide matching and other funds for the City Hall Low Impact Development Retrofit Project.
- C. Allocate \$359,578 from the City's unallocated General Fund balance for additional capital improvements related to the use of the second story of City Hall.

**X. COMMITTEE REPORTS**

10.1 Transportation Corridor Agencies (Councilmember Hack)  
Councilmember Hack reported that there was no meeting.

10.2 Orange County Library Board (Councilmember Robbins)  
Councilmember Robbins reported that there was no meeting.

10.3 Orange County Fire Authority (Councilmember Rhodes)  
Councilmember Rhodes reported that there was no meeting; however, he noted that a holiday celebration attended by board members and staff was well received.

- 10.4 Southern California Water Committee (Councilmember Hack)  
Councilmember Hack reported that there was no meeting.
- 10.5 Coastal Greenbelt Authority (Mayor Conners)  
Mayor Conners reported that there was no meeting.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)  
Councilmember Rhodes reported that there was no meeting.
- 10.7 Vector Control District Board (Councilmember Robbins)  
Councilmember Robbins reported that four more cases of West Nile Virus (WNV) were reported in Orange County, but none were from the immediate area. A total of 44 cases of WNV have been reported in Orange County in 2012, including cases in Lake Forest (1), Irvine (1), Laguna Niguel (1) and Tustin (4). He encouraged residents to avoid standing water outdoors, which serves as a breeding ground for mosquitoes that transmit the disease.

Mayor Conners noted that there was a report of one death of an elderly person in Tustin related to the WNV. She noted that this is a serious health hazard and urged residents to take precautions.

## **XI. PUBLIC COMMENTS**

David Russell Ohrn, resident, commended the Council for their public service – especially outgoing Councilmember Rhodes. He congratulated the newly elected Councilmembers and stated that he is confident that they will do a fine job.

James Juhan, representative from the Community Civic Association, presented a certificate of commendation and carnations to the City and its staff for the services provided to residents of Laguna Woods.

Ruth May, resident, asked for clarification when the public is allowed for public comments on the agenda items.

Mayor Conners stated that the public may speak on public hearing issues by completing and submitting a Request to Speak form and should include the agenda item.

City Manager Keane clarified that the public may request to speak on any issue that is listed on the agenda.

Ms. May asked for clarification to the picture depicted for Item 9.1 that shows a square structure on the rooftop of City Hall. She asked if the proposed garden could be placed on the existing area.

Public Safety Director Macon clarified that the square structure would be the area raised as part of that project and that the garden would be placed on top of the new roof.

Mayor Connors asked if the garden would cover the entire roof.

Public Safety Director Macon clarified that only a portion of the roof would house the garden and that the air conditioning unit and other utilities would take up portions of the new roof.

City Manager Keane noted that the antennas and bees are also located on the roof.

## **XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS**

### 12.1 Reports on Meetings Attended per Government Code §53232.3

A. Mobility 21's 11<sup>th</sup> Annual Southern California Transportation Summit, September 28, 2012: Councilmember Hack

Councilmember Hack stated that the topic of discussion was the future of transportation in Orange County.

B. Water Advisory Committee of Orange County (WACO) monthly meeting, October 5, 2012 and December 14, 2012: Councilmember Hack

Councilmember Hack reported that the Committee discussed concerns about storing water and the problems associated with that.

C. U.S. Nuclear Regulatory Commission (NRC) Meeting regarding San Onofre Nuclear Plant, October 9, 2012: Councilmember Hack

Councilmember Hack reported that hostility was the only outcome from the meeting, as two opposite groups debated whether to keep the plant open or shut.

D. City Selection Committee, November 15, 2012: Mayor Pro Tem Ring

Mayor Pro Tem Ring reported that as a result of the November municipal election, various positions became vacant. The Orange County Transportation Authority had the largest number of vacancies; appoints were made at the meeting.

### 12.2 Other Meetings, Comments and Announcements

Mayor Connors reported on a Orange County Waste Management Commission meeting she attended. She discussed the waste and recycling process at the Olinda Landfill, which converts waste into natural gas that is used to power nearly 2,200 homes. She encouraged the public to visit the Discovery Science Center in Santa Ana to explore their eco-challenge exhibit. She also announced that the Commission has provided the City with plastic buckets that can be used by residents to store used batteries. Residents may come into City Hall and pick up a bucket, at no charge, and return it once it is filled for proper disposal.

**XIII. CITY COUNCIL REORGANIZATION**

## 13.1 City Council Election

City Manager Keane summarized the agenda report and noted that the City has consistently had a high mail-in vote throughout the years.

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

- A. Approved **Resolution No. 12-24** declaring the results of the November 6, 2012 municipal election, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA WOODS, CALIFORNIA, RECITING THE FACTS OF THE  
GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012  
AND DECLARING THE RESULT AND SUCH OTHER MATTERS AS  
PROVIDED BY LAW

- B. Present a certificate of commendation to outgoing Councilmember Rhodes.

Mayor Conners stated that Councilmember Rhodes has always shown remarkable personal courage for what he believes in and advocates for the residents. She is impressed by the numerous meetings, which he has attended.

Councilmember Robbins thanked Councilmember Rhodes for his service to the City and stated that he has a great deal of respect for how he has put forth his ideas and accomplished them.

Mayor Pro Tem Ring stated that Councilmember Rhodes has always put his heart into all his issues, as can be seen with his work on the Laguna Canyon Foundation. He wished Councilman Rhodes the best of luck and good health.

Councilmember Hack acknowledged that he and Councilmember Rhodes have been known to disagree on issues; however, he never has questioned Councilmember Rhodes' sincerity. He looks forward to seeing him continue his active involvement in the community.

Councilmember Rhodes thanked the Council and staff and stated that the Council has made many admirable accomplishments.

Newly elected Councilmember Hatch noted that in addition to the many accolades already mentioned, Councilmember Rhodes always had an upbeat attitude and is gracious to all. He thanked Councilmember Rhodes for his service to the City.

- C. Present certificates of election and administer oaths of office to Councilmembers Conners, Robbins, and Hatch.

Mayor Connors congratulated Councilmember Hatch on the election and stated that she looks forward to working with him.

Councilmember Hatch stated that he looks forward to working with the Council and stated that his role is to ensure that residents are protected, comfortable, and enjoy their environs.

### 13.2 City Council Reorganization – Office of Mayor

Mayor Connors stated that meeting so many residents during her term was an opportunity she really enjoyed. She thanked the Council for their support and assistance in accomplishing numerous projects within the past year. She thanked staff for their tireless and dedicated service to the City, noting Code Enforcement Officer Sandy Verrall and Administrative Coordinator Roz Fox who will soon be retiring. She looks forward to the next four years to serving the community.

Moved by Councilmember Robbins, and voted by acclamation to appoint Mayor Pro Tem Ring as Mayor to serve for the period December 2012 to December 2013.

Mayor Ring thanked staff and the Councilmembers for making it a successful City. He acknowledged Code Enforcement Officer Sandy Verrall and Administrative Coordinator Roz Fox for their dedicated service to the City and congratulated them on their upcoming retirements. He briefly discussed various pending and anticipated projects, and noted that he looks forward to working with the Council in completing those projects.

### 13.3 City Council Reorganization – Office of Mayor Pro Tem

Moved by Councilmember Hack, and voted by acclamation to appoint Councilmember Robbins as Mayor Pro Tem for the period December 2012 to December 2013.

### 13.4 City Council Regional Appointments

Moved by Councilmember Hack, seconded by Councilmember Hatch, and carried unanimously to:

- A. Approved two-year Councilmember appointments to: the San Joaquin Corridor Authority Board, the Coastal Greenbelt Authority Board, California Joint Powers Insurance Authority Board, Southern California Water Committee and South Orange County Watershed Management Executive Committee
- B. Approved **Resolution No. 12-25** designating a director and alternate to the Orange County Fire Authority Board of Directors, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA WOODS, CALIFORNIA, DESIGNATING AND  
APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE  
ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS

- C. Approved **Resolution No. 12-26** designating a trustee to the Orange County Vector Control District Board of Trustees, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY VECTOR CONTROL DISTRICT BOARD OF TRUSTEES

**XIV. CLOSED SESSION**

- 14.1 The City Council met in closed session to confer with legal counsel, pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Location: Along the east and west sides of Moulton Parkway in the vicinity of Santa aria Avenue  
City Negotiator: Leslie A. Keane  
Negotiating Party: Golden Rain Foundation  
Under Negotiation: Instructions to negotiator regarding terms

- 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 6:50 p.m. City Attorney Cosgrove advised that there was no reportable action.

**XV. ADJOURNMENT**

The meeting was adjourned at 6:50 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday January 16, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, Deputy City Clerk

Adopted: January 16, 2013

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ROBERT B. RING, Mayor