

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
December 2, 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

Sergeant Nancy Wilkey, Orange County Sheriff's Department, led the flag salute.

III. ROLL CALL

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

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

IV. CONSENT CALENDAR

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve Consent Calendar Items 4.1 – 4.3.

4.1 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.

4.2 Development Impact Fees Annual Report

Received and filed the Development Impact Fees Annual Report.

4.3 Investment Policy

Approved **Resolution No. 09-26** ratifying the City's 2008 Investment Policy, entitled:

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

V. PUBLIC HEARINGS

5.1 Sprint/Nextel Cell Tower Modifications (CUP-580)

City Planner Drasler summarized the agenda report.

Councilmember Conners asked if the pine needle antenna socks would be placed on all of the panels or only on existing panels.

City Planner Drasler responded that they would be placed on the existing panels that are owned by Sprint. She stated that the owner of the existing mono-pine expressed concern with Project Condition #7 and that after discussing it with him, he is agreed to the condition.

Glenn Dietz, consultant for Sprint/Nextel, explained the ownership of the mono-pine.

Councilmember Rhodes asked for clarification on the reference to “Royal Street” in the agenda report.

Mr. Dietz explained that Royal Street is also known as Metro PCS, which is another cell carrier that leases space on the mono-pine.

City Manager Keane clarified that the reference to Royal Street had to do with a previous conditional use permit. They are not a part of the application that is being considered.

Councilmember Conners asked who is responsible for installing mono-pine branches.

Mr. Dietz responded that the owner of the pole will be approached about beautification requirements for the non-Sprint/Nextel portions of the pole. Any new installations from Sprint/Nextel would include the camouflaged branches.

Councilmember Conners asked if Mr. Dietz is confident that the owner would authorize Sprint/Nextel to install additional branches.

Mr. Dietz responded affirmatively.

City Manager Keane clarified that the City has the right to ask that the pole be beautified and that the owner would be prevented from new leases unless conditions are met.

Councilmember Rhodes noted that the owner would incur costs by beautifying.

City Manager Keane responded that it is not the City’s issue.

Councilmember Conners clarified that if the owner wants the lease income, they have to allow Sprint/Nextel to install the additional branches.

City Manager Keane concurred and noted that the owner could also install the branches themselves.

City Planner Drasler reiterated that she spoke with a representative from the pole’s owner

and stated that they are aware of the conditions and raised no concerns.

Councilmember Conners asked if the coverage maps included with the agenda report are for all antennas in the City or only Sprint/Nextel antennas.

Mr. Dietz responded that they only include the Sprint/Nextel antennas.

City Manager Keane commented on Sprint/Nextel's coverage in the City and stated that staff is hopeful that this will improve local coverage for their customers.

Mr. Dietz discussed increasing cellular service demands.

Councilmember Conners asked if there are other cell towers in the City.

City Manager Keane stated that there are and that locations include the top of the Laguna Woods Village Towers and several churches.

Mr. Dietz noted that he is preparing an additional conditional use permit application for a site owned by the Golden Rain Foundation.

The public hearing was opened.

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

Councilmember Rhodes asked if beautification requirements are included in the proposed conditional use permit.

City Manager Keane indicated that the beautification requirements are included in the conditions attached to the proposed resolution. Approval of the resolution would include approval of the conditions.

Mayor Ring explained that the conditions are a requirement for approval.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried 4 to 0 to approve **Resolution No. 09-27** authorizing a conditional use permit that allows an expansion of an existing Sprint/Nextel Wireless facility within the compound of the El Toro Water District, 24141 Moulton Parkway, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 580 FOR THE EXPANSION OF AN EXISTING SPRINT/NEXTEL WIRELESS FACILITY ON AN EXISTING MONO-PINE LOCATED WITHIN THE WATER TANK FACILITY OF THE EL TORO WATER DISTRICT, 24141 MOULTON PARKWAY

5.2 Temporary Signs

City Manager Keane summarized the agenda report and noted that Vintage Senior Living

submitted a letter requesting that the City Council reconsider allowing e-mail addresses, telephone numbers, and website addresses on banner signs. She reiterated the rationale, related to traffic safety, for not allowing that information on banner signs.

Councilmember Conners stated her support for the restrictions.

The public hearing was opened.

Mayor Ring reiterated that a letter was received from Vintage Senior Living.

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

Moved by Councilmember Conners, seconded by Mayor Pro Tem Robbins, and carried 4 to 0 to adopt **Ordinance No. 09-09** modifying temporary sign regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA AMENDING CHAPTER 13.20 OF THE LAGUNA
WOODS MUNICIPAL CODE PERTAINING TO SIGN
REGULATIONS

Mayor Ring asked for confirmation that each banner permit requires a \$39 permit fee and suggested that the next time the sign regulations are updated, the fee should be examined to ensure that it covers the City's costs.

City Manager Keane explained that approximately \$18 of the \$39 permit fee covers the processing of the permit. The remainder is used to cover the cost of enforcement. She noted that the City has a very aggressive code enforcement program for banners.

Councilmember Rhodes asked if the regulations have any effect on individual home owners who display "for sale" signs.

City Manager Keane responded that they do not, but that other regulations in the City's temporary sign ordinance apply to individual home owners.

VI. CITY COUNCIL – None

VII. CITY MANAGER

7.1 Moulton Parkway Smart Street Improvements

Assistant City Manager Reilly summarized the agenda report.

City Manager Keane noted that a contract had previously been awarded to RRM Design Group, but that after unsuccessful negotiations, staff is recommending that it be rescinded.

Councilmember Conners asked if the project's landscape design will comply with the water efficient landscape regulations.

City Manager Keane stated that the amount of landscaping in the project is under the threshold of the regulations, but that the City Council has expressed a commitment to ensuring that water efficient landscaping is included in the project.

Councilmember Connors asked City Attorney McEwen if declaring portions of the streets to be County property during construction would insulate the City from liabilities related to traffic accidents.

City Attorney McEwen stated that it would.

Assistant City Manager Reilly noted that when the City contracts with the County for street or traffic signal maintenance, they also assume liability for those operations.

Councilmember Connors inquired as to who is responsible for providing law enforcement during construction.

City Manager Keane stated that there would be no change to public safety services and explained the shared nature of Orange County Sheriff's Department services. She does not expect a decrease in the costs of those services during construction.

At Mayor Ring's request, Assistant City Manager Reilly reviewed the project's schedule and stated that he expects the work in the City to last approximately nine-months. Rain is a concern and would delay the project. Landscaping inside the walls of Laguna Woods Village would be done as part of the hardscape construction. Landscaping in the public right-of-way would take place in 2011.

Mayor Ring asked if the agenda needs to specify that the contract with RRM Design Group is being rescinded.

City Manager Keane clarified that the contract with RRM Design Group was not signed and that the award of a contract to David Evans and Associates, Inc. would effectively rescind the RRM Design Group contract. She also clarified that the Laguna Hills work on El Toro Road will end at Santa Maria Avenue on the west side. On the east side, the work will end at the edge of the El Toro Water District Property because negotiations were not concluded regarding the impact on the Laguna Woods Village Garden Center.

Assistant City Manager Reilly added that the northbound left-turn pocket for Santa Maria traffic is included in the project.

Mayor Ring asked about removing the shrubs next to the Garden Center.

City Manager Keane responded that property would be in the next phase of the project.

City Manager Keane asked for clarification on turning over Via Campo Verde to the County of Orange during construction, since it is a privately owned street.

Assistant City Manager Reilly clarified that only a small portion of the Via Campo Verde return that is within the City limits would be turned over.

City Manager Keane asked if that was clear in the resolution.

Assistant City Manager Reilly responded that it is.

Moved by Councilmember Rhodes, seconded by Mayor Pro Tem Robbins, and carried 4 to 0 to:

A. Authorize the City Manager to execute an amendment to the agreement with the County of Orange for implementation of the Moulton Parkway Smart Street project to allocate Measure M funds awarded to the City for the project, subject to approval of the agreement as to form by the City Attorney.

B. Award a contract to David Evans and Associates, Inc. for landscape architectural services for Moulton Parkway in the amount of \$133,245, plus authorized change orders not to exceed 15% of the base amount; and authorize the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

C. Approve **Resolution 09-28** declaring portions of Moulton Parkway, El Toro Road, Santa Maria Avenue and Ridge Route Drive to be County highways during the period of construction of the Moulton Smart Street Project, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DECLARING 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, TO BE COUNTY HIGHWAYS DURING THE PERIOD OF CONSTRUCTION OF THE MOULTON SMART STREET PROJECT

VIII. CITY ATTORNEY'S REPORT

City Attorney McEwen discussed a conflict of interest issue related to Common Law and the Political Reform Act. He suggested scheduling it for discussion at a future meeting.

The consensus of the City Council and City Manager was to schedule the discussion for the January meeting due to the large number of items on the December 16, 2009 agenda.

IX. PUBLIC COMMENTS – None

X. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

Councilmember Rhodes discussed the Orange County Fire Authority's red flag program.

City Manager Keane noted that the program applies to wildland interface areas only; the City's CERT program provides red flag patrols during red flag alerts.

Councilmember Rhodes encouraged residents to visit the Laguna Coast Wilderness Park

website for activity information: www.ocparks.com/lagunacoast.

Mayor Pro Tem Robbins announced that the next Orange County Public Library Board meeting is scheduled for December 7, 2009.

Mayor Ring commended the El Toro Road Pavement Rehabilitation Project contractor for their ability to keep traffic flowing smoothly.

Assistant City Manager Reilly stated that the project should be completed by the end of the week.

City Manager Keane noted that Councilmember Connors was working with the Kiwanis Club cleanup crew and noticed that the El Toro Road Pavement Rehabilitation Project contractor was not removing the tape pieces used for striping. The issue was addressed with the contractor.

XI. ADJOURNMENT

The meeting was adjourned at 2:50 p.m. The next meeting will be at 2:00 p.m. on December 16, 2009 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California.

YOLIE TRIPPY, Deputy City Clerk

Adopted: January 20, 2010

MILT ROBBINS, Mayor