

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
April 21, 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; City Planner Drasler; Deputy City Clerk Trippy; City Attorney McEwen

IV. PRESENTATIONS

4.1 Orange County Vector Control District Privatization Study: Michael Hearst, Interim District Manager/Director of Communications

Mr. Hearst reported that the committee has had discussions on the benefits and negative impacts on privatization but have yet to be presented to the Board. He stated that the subject is only in the stages of discussions and that it is uncertain if privatization is possible under the agreement with the County of Orange as well as the health and safety code of California.

Mayor Pro Tem Hack asked if the agency is a private entity, if it was created by the state and where their source of funding is generated.

Mr. Hearst stated that Vector Control is a public agency created by the state and that their primary funding source is through property tax and benefit assessment collected by the County of Orange.

Mayor Pro Tem Hack asked for clarification if the funding is a pass-thru by the county, for services provided to cities that would be “reimbursed”, under the privatization program.

Mr. Hearst indicated that would be one of the options, and the other would be to pay the pest control operator directly.

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Mayor Pro Tem Hack and Mr. Hearst concurred that the issue is currently conjectural, based upon further review and cost analysis.

Councilmember Conners stated that the agency provides precautionary health services to the public, by way of transmittal of diseases through pests, and not just killing pests. She asked how it would affect the board's operation for public safety under privatization.

Mr. Hearst concurred that Vector Control provides other services such as addressing fire ants, effects of standing water which produce mosquitoes and neighboring properties that contribute to problems. These are services that would be lost to cities that opt for privatization.

Councilmember Ring indicated that Vector Control is in a similar position as any public agency in that they are reviewing the services they provide so that it is the most efficient as well as cost-effective.

City Manager Keane stated that Mr. Hearst was asked to make his presentation to provide the City Council information, as it is unlikely that Council will have the opportunity to express their views prior to the Board's decision on the issue.

Mayor Pro Tem Hack announced that this issue has been previously discussed by the County Board of Supervisors as a suggestion to reduce expenditures. He asked what changes in duties of Vector Control would be required, under privatization, in order to adopt to the state code; since the agency is created by the state.

Mr. Hearst stated that the state has yet to address the issue, since the state has placed the burden of health and safety code at the County level through the Vector Control Agency.

Mayor Pro Tem Hack asked if any other County agency is responsible for public health issues.

Mr. Hearst indicated that Vector Control communicates with the County Health Care Agency regarding any potential health problems that could be transmitted by vectors.

Councilmember Rhodes questioned what should be expected on the overall affect on production, should services be divided between public and private agencies.

Mr. Hearst stated that rat control is equivalent to 17% of vector services and would have no effect on the mosquito program.

City Manager Keane stated that the study is not asking Vector Control to eliminate their responsibilities but rather to contract out some of their services, similar to the city.

Mr. Hearst concurred with City Manager Keane but added that by contracting out, it limit's the disclosure to other potential problems seen when addressing rat issues.

Councilmember Rhodes asked if the agency would be subject to a sell-off of equipment,

should they privatize some of their services.

Mr. Hearst noted that rat problems account for only 17% of their workforce.

Councilmember Connors expressed her concern of the agency's dual role to protect public health and addressing rat problems. She asked if the agency would consider training private agencies on the other services that Vector provides. Would they also be required to report to the agency of potential health issues.

Mr. Hearst affirmed that the agency would insist on it.

Councilmember Ring suggested that Vector Control keep the City Manager well informed so that the City Council can be kept apprised of current situations, should they be required to take action.

V. CITY PROCLAMATIONS

Move by Councilmember Ring, seconded by Councilmember Rhodes, and carried unanimously to approve City Proclamations 5.1-5.10, entitled:

5.1 Volunteer Appreciation Week, April 18-24, 2010

5.2 Water Awareness Month, April 2010

5.3 Earth Awareness Weeks, April 17-30, 2010

City Manager Keane discussed the success of the Laguna Woods Goods Exchange and Recycling Drop-Off event that took place on April 17th with the help of staff and volunteers.

5.4 National Donate Life Month, April 2010

5.5 Certificate of Commendation for Deputy James Porras

Deputy Porras expressed his gratitude for the City Council's recognition.

5.6 Certificate of Commendation for Michael Pinto

5.7 Certificate of Commendation for Beverly Beesemyer

Ms. Beesemyer thanked the City Council for the acknowledgment.

5.8 Certificate of Commendation for Dolores Lamb

5.9 Certificate of Commendation 50th Anniversary, El Toro Water District

Councilmember Ring announced that due to the cancellation of the ETWD May 2nd event, staff will present the certificate to the district at a later date.

5.10 Certificate of Commendation for Firefighter Ryan Cummings

Councilmember Connors noted that the certificate will be presented at the next meeting of the American Legion, honoring those who specialize in service and valor.

VI. CONSENT CALENDAR

Moved by Councilmember Ring, seconded by Mayor Pro Tem Hack, and carried unanimously to approve Consent Calendar Items 6.1-6.6.

6.1 City Council Minutes

A. Approved the minutes from the March 17, 2010 regular meeting.

B. Approved an amendment to minutes from the January 20, 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 March 2010 monthly Treasurer Report.

6.4 Warrant Register

Approved the April 21, 2010 Warrant Register in the amount of \$475,760.42.

6.5 Notice of Completion – El Toro Road Eastbound Pavement Rehabilitation [ESPL – 5476 (007)] Project.

A. Accepted project completion of a contract with All American Asphalt for the El Toro Road Eastbound Pavement Rehabilitation [ESPL -5476 (007)] Project.

B. Release of contract retention in the amount of \$53,520.06 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.

6.6 Orange County District Attorney Prosecution Services

Approved an agreement with the County of Orange Office of the District Attorney for the prosecution of city ordinances, and authorized the Mayor to execute the agreement subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS

7.1 Lutheran Church of the Cross Expansion (CUP 625)

City Planner Drasler summarized the agenda report and noted of the applicant's attendance in the audience to address any questions from Council or the public.

City Manager Keane read aloud the proposed Resolution relating to the project.

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

Councilmember Rhodes asked if there was a timeline to the start and completion of the project.

City Manager Keane clarified that this is a preliminary application to a Conditional Use Permit. Once a permit is issued and submitted for actual construction, it is subject to a timeframe.

Mayor Pro Tem Hack asked if there will be an increase in traffic flow.

City Planner Drasler stated that it would not result in an increase of traffic flow, since there is no increase in the number of usage.

Moved by Councilmember Conners, seconded by Councilmember Ring, and carried unanimously to approve Resolution No. 10-04, granting a conditional use permit to allow for the Lutheran Church of the Cross a 1,499 square foot social hall expansion, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, APPROVING A CONDITIONAL
USE PERMIT (CUP 625) FOR THE LUTHERAN CHURCH OF THE
CROSS SOCIAL HALL EXPANSION LOCATED AT 24231 EL TORO
ROAD

VIII. CITY COUNCIL

8.1 Advisory Committee Appointments

Mayor Robbins summarized the agenda report.

Moved by Mayor Pro Tem Hack, seconded by Councilmember Rhodes, and carried unanimously to appoint the following individuals for committee membership:

Lane Use and Design Review Committee

Bevan Strom, nominated by Mayor Pro Tem Hack

Public Safety Committee

John Dalis, nominated by Councilmember Rhodes

8.2 City Proclamations and Commendations (agendized by Councilmember Ring)

Councilmember Ring provided an overview for his request, noting that he does not intend to create more work for staff but sees a benefit to providing a Certificate of Recognition. He proposes that Council would approve a "Certificate of Recognition" that is signed by the Mayor, researched by the Councilmember making the request, and prepared by staff so that Council may present it for special events.

LK summarized the agenda report.

Councilmember Connors supports Councilmember Ring's request in a streamline fashion and encourages recognition to those deserving it.

City Manager Keane stated that the time it took for staff to process today's ten proclamations and commendations was quite lengthy.

Mayor Pro Tem Hack approves the city's current process and stated that an individual Councilmember's significance for recognition may differ. He noted that he has, in the past, sent letters of recognition representing himself and not Council as a whole. He expressed reservations to any changes in the current administrative policy.

Councilmember Ring believes that Mayor Pro Tem Hack noted a broader process than what is being proposed. He noted a recent event attended by dignitaries where he presented a document of recognition, he prepared and signed as an individual and reviewed by staff, which could have proved to be embarrassing if there were no recognition honored.

Mayor Pro Tem Hack stated that under such circumstances, he feels that Council would have been supportive and perhaps a week's notice would be sufficient to honor a request for a letter of commendation. He is concerned of imposing undue work to the limited staff that the city has.

Councilmember Ring replied that he seldom has the adequate six-week requirement to request for a proclamation to be placed on the agenda. He is merely requesting to streamline the process so that an opportunity is not missed.

Mayor Pro Tem Hack suggested further review from staff because he is not certain what is intended.

Councilmember Rhodes expressed reservations when the Mayor is asked to sign on behalf of the City Council but he supports a letter of recognition.

Councilmember Connors proposes that a Councilmember shall be responsible to prepare a narrative in order to eliminate the burden on staff and will be in lieu of proclamations.

City Manager Keane suggested that staff return to Council with a mock-up at the next meeting and that Council can decide to take action at that time, if necessary. She noted

that what was previously provided for Councilmember Ring can be accomplished under the existing policy.

Mayor Robbins concurred with City Manager Keane's suggestions.

Councilmember Ring thanked the City Council for considering the issue.

8.3 Calendar Year 2010 Meeting Schedule

City Manager Keane summarized the agenda report.

Due to conflicting schedules from various Councilmembers, Mayor Pro Tem Hack suggested that City Manager Keane return with a tentative remaining calendar schedule at the next Council meeting.

City Manager Keane indicated that it is the consensus of the City Council that the tentative scheduled meeting for May 5th be moved to April 30th at 3:00 p.m. so that all Councilmembers can attend the first budget discussion and a potential closed session regarding a matter of pending litigation.

Councilmember Connors commented that future City Council meeting calendar, to include budget meetings, should be made available at the beginning of the year so that Council can schedule accordingly.

Moved by Councilmember Ring, seconded by Mayor Pro Tem Hack, and carried unanimously to approve the next scheduled City Council meeting at 3:00 p.m. on Friday, April 30, 2010.

IX. CITY MANAGER

9.1 Moulton Parkway Landscape Design Concepts

City Manager Keane emphasized the need for Council's review and approval on the issue since the project is currently underway with portions of the City of Laguna Hills overflowing into the city and requires the City of Laguna Woods' design concepts be approved to provide transitional construction.

Assistant City Manager Reilly provided a power point presentation and summarized the agenda report.

City Manager Keane asked for clarification to the length of the walking area from the edge of a tree, with and without the grate areas, as referenced in Option 1.

Assistant City Manager Reilly stated that the length of walking area from the edge of the tree, without the metal grates, varies 5-6 feet wide. The total length that includes the metal grates, an additional 2 ½ feet, is up to 8 ½ feet wide of walking area.

City Manager Keane noted that six feet of sidewalk width is not meant to be enforced but

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rather a suggestion. The subcommittee had originally recommended 2-3 feet total sidewalk width.

Assistant City Manager Reilly confirmed that six feet was suggested by the landscape firm, to allow full-growth for any trees planted.

City Manager Keane noted that problems with planters along El Toro Road at Gate 9, as the trees are placed similar to switchbacks, are not being suggested for the project.

Councilmember Connors questioned why staff and the subcommittee did not recommend full-length planter.

Assistant City Manager Reilly indicated that due to the number of bicyclists and pedestrians, more room was needed on the sidewalk.

City Manager Keane stated that she oversees the subcommittee and took into account landscape water conservation issues as well.

Councilmember Rhodes asked the width of the planter.

Mr. Reilly stated that there 2 ½ feet of dirt, or 3 feet to include the face of the curb, and widens up to 5 feet at the tree well.

Councilmember Ring noted that the height of the curb in Options 1 and 2 is measured to be 8-9 inches tall and he asked what types of trees would be used to avoid contact from bicyclists and large trucks.

Assistant City Manager Reilly indicated that staff would return to Council for direction, after further recommendations from the subcommittee. Magnolia trees are currently being considered and do not seem to obstruct in the way of vehicles and bicyclists.

City Manager Keane noted that the city provides wider bike lanes than most neighboring cities.

Mayor Pro Tem Hack assured that review of site lines to avoid obstruction for vehicles would be a part of the process. He expressed concern as to the placement of trees along the curb that could pose as a potential hazard. His suggestions are to plant trees away from the curb, he dislikes fruit-bearing trees, and approves the use of olive trees as an accent point that can be similarly seen at the entrance to Gate 12.

Assistant City Manager Reilly addressed Mayor Pro Tem Hack's concerns to planting trees along the curb and reassures that staff would not recommend placing them near intersections.

Mayor Pro Tem Hack acknowledges Mr. Reilly's suggestions but opposes it just the same.

City Manager Keane noted that extensive discussions took place between staff and the

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subcommittee. The suggestion of planting trees along the curb was for safety measures, alerting drivers of the roadway.

Mayor Pro Tem Hack noted that one could argue the opposite.

Councilmember Conners stated that it serves as a barrier between the street and pedestrians.

Mayor Pro Tem Hack announced that the location is seldom used by pedestrians but agreed that it is prone to heavy traffic.

Councilmember Rhodes voiced his opinion and supports the idea of 10-11 feet of sidewalk space and prefers an open view. He prefers magnolia or similar trees that can be shaped high above the roadway with plantings away from the curb, possibly near the walls. He reminded City Council that the prime objective is to build a better functioning roadway.

City Manager Keane explained the reason for the suggestion to incorporate the use of olive trees in the landscaping.

Councilmember Ring noted that staff is proposing the use of fruitless olive trees.

Councilmember Conners indicated that the road serves more than one function and opposes the look of only concrete and road. She believes that placement of trees along the road serves as a visual direction to drivers and favors magnolia trees. Councilmember Conners is requesting the assurances of the city's traffic engineer or Caltrans that any proposed landscape does not pose a traffic hazard.

City Manager Keane noted that each Councilmember will have different viewpoints and that staff is asking for Council's direction to the project.

Resident Tony Dauer stated that he would like to see the least amount of disturbance. He asked if the bike lane can be placed only on the west side of Moulton and asks if a traffic light can be installed at the entrance of the garden center for a safer access. He noted the importance of water conservation when making selection of the types of plants and the danger to tree trimmers if trees are planted along the road. Mr. Dauer suggested that ambient lighting be installed near Gate 12 and Santa Maria for better visibility. He expressed concerns to certain areas of the project, once the properties are reduced in size and is closer to the roadway and suggests that the median should be reduced in size.

City Manager Keane stated that the County is the leading agency for the project which is currently underway and that it is too late for such changes. She noted that there is no bike lane on El Toro Road, east of Moulton, on either side. Caltrans regulations does not allow only one bike lane on a roadway.

Resident Mary Stone expressed concerns of trees obscuring traffic signs when they are not properly maintained. She suggests the use of low-level plants from El Toro Road to Gate 12 so that traffic lights are visible. Ms. Stone suggested the use of similar plantings

along Aliso Creek Road in Aliso Viejo, by using drought-tolerant plants.

City Manager Keane stated that Council had previously discussed that the landscaping at Moulton should differ from El Toro Road. She noted that there are currently trees along the golf course and that the proposal is to replace what already exists.

Mr. Dauer also stated that he opposes the newly installed “No Right Turn On Red Light” signs along El Toro Road and does not want to see them on Moulton Parkway.

Mayor Pro Tem Hack outlined the difference in use and traffic flow between Moulton Parkway and El Toro Road. He noted the objective of the Moulton Smart Street project and stated that his preference in the landscaping should not hamper on the flow of traffic.

City Manager Keane requested more specific directions if trees are an option and the placement of trees and plants. She suggested that the specimen of trees and plants can be discussed at a later date.

Councilmember Conners, Mayor Pro Tem Hack, and Mayor Robbins approved the use of olive trees at the entrance and exit to the city.

City Manager Keane suggested that the existing olive trees along Moulton can be preserved so that they can be placed at the entrance and exit, as suggested.

Councilmember Rhodes was receptive to the use of olive trees as noted.

City Manager Keane asked the City Council if they wanted the trees placed along the wall or near the curb.

Councilmember Ring noted that placement along the curb presents a more decorative feel although, planting them along the wall would be a safer route.

Councilmember Conners asked if Caltrans has any guidelines to the issue.

Assistant City Manager Reilly announced that the traffic engineer supports both options.

Councilmember Rhodes indicated that Laguna Hills does not have them along the sidewalk.

City Manager Keane and Assistant City Manager Reilly concurred that Laguna Hills has trees planted along the curb near Gate 6 on Avenida de Carlota.

Councilmember Rhodes noted that he is referring to the site of the project on Moulton. He stated that the current design concept varies from each city and that Laguna Woods is not obligated to planting them near the curb.

City Manager Keane referenced plantings near the curb in Irvine on Moulton due to the wide parkway and that the sidewalks are set back far from the street.

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Assistant City Manager Reilly stated that this is made possible because 9 feet of sidewalk space was a standard imposed by the County long ago.

Mayor Pro Tem Hack clarified that it is the consensus of the Council that olive trees are to be used only as an accent; that trees be planted along the parkway; and a decision is to be made whether they be planted along the wall or the curb – he prefers along the wall.

Councilmember Rhodes and Mayor Robbins agreed with Mayor Pro Tem Hack that the wall would be better suited. Councilmember Ring did not oppose.

City Manager Keane announced that it is unlikely that the entire walkway will have plantings. Instead, plants will be placed only at the base of the trees.

Councilmember Connors pointed out that the current landscaping at the western edge of El Toro Road to be dry and root-bound when small sections are planted at the tree-base.

City Manager Keane declared that ground cover, as opposed to bushes, would be suggested at the base of the trees.

Mayor Robbins asked if there would be sufficient walking space without switchbacks.

City Manager Keane affirmed that it would. She thanked Council for their discussion and will incorporate other issues pointed out into the landscape project.

X. CITY ATTORNEY'S REPORT – None

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Mayor Pro Tem Hack)

Mayor Pro Tem Hack indicated that TCA is going through similar budgeting uncertainties as the city and that all toll roads have been affected by the economy.

11.2 Orange County Library Board (Mayor Robbins)

Mayor Robbins announced that the Finance Committee is scheduled to meet on April 22nd to discuss the 2010-11 Fiscal Year Budget.

11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes stated that OCFA has an estimated \$5 million budget shortfall. He announced that the Budget Reduction Ad Hoc Committee presented \$3.3 million in budget adjustments for FY 2010-11 that was unanimously approved by the Board.

11.4 Southern California Water Committee (Mayor Pro Tem Hack)

Mayor Pro Tem Hack stated that an initiative ballot proposal for a water bond worth \$11.4 billion would provide water to Southern California as well as resolve the state's

water problems. He indicated that the federal court is considering reviewing the National Environmental Protection Agency's regulation that could result in an increase in water flow to Southern California.

11.5 Coastal Greenbelt Authority (Councilmember Conners)

Councilmember Conners stated that meetings are held every other month and outlined the purpose of its meetings. She encouraged the public to explore the trails and reported an increase in predators, which means there is an abundance of food supply as well as plants. She announced that clearing of dry brush will take place in June to reduce fuel for any potential wildfire.

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes announced, in addition to Mayor Pro Tem Hack's report relating to water issues, that the Orange County Water Summit will be held on May 14th at the Disneyland Grand California Hotel to discuss general information and water issues. The next scheduled meeting for the Laguna Canyon Foundation is May 6th at 4pm at the Nix Nature Center.

11.7 Vector Control District Board (Board Member Bouer)

No report.

XII. PUBLIC COMMENTS

Resident Bev Anstrom expressed her gratitude for the city's Great Laguna Woods Goods Exchange and Recycling Drop-Off program on April 17th. She hopes that the city does this again and noted that some of the residents regret not hearing about it.

City Manager Keane stated that this was the city's first event with the intent to provide the services twice yearly during Earth Day and Coastal Clean-Up Day and with more public notice.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3)

A. OC Sheriff Medal of Valor Luncheon, April 11, 2010 (Rhodes)

Councilmember Rhodes shared a seven-minute video provided by the Orange County Sheriff outlining their department services.

13.2 Other Comments and Announcements

City Manager Keane announced that census forms are available at city hall until May 1st. Residents are likely to receive a visit from census workers if the forms are not returned by the May 1st deadline and she cautioned residents to ask for identification before letting people into their homes.

XIV. CLOSED SESSION – None

XV. ADJOURNMENT

The meeting was adjourned at 4:07 p.m. The next adjourned meeting will be at 3:00 p.m. on April 30, 2010 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California.

YOLIE TRIPPY, Deputy City Clerk

Adopted: May 19, 2010

MILT ROBBINS, Mayor