

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
July 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 Rhodes led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Connors, Rhodes, Ring, Hack, Robbins
 ABSENT: None

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

IV. PRESENTATIONS

4.1 Commendation – Samuel Block, 100th Birthday

Mayor Robbins presented a certificate of commendation to Samuel Block in honor of his 100th birthday. Mr. Block made brief remarks.

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

Moved by Councilmember Ring, seconded by Councilmember Connors, and carried unanimously to approve Consent Calendar Items 6.1 – 6.5.

6.1 City Council Minutes

Approved the minutes from the June 2, 2010 adjourned regular meeting and the June 16, 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 June 2010 monthly Treasurer's Report.

6.4 Warrant Register

Approved the July 21, 2010 Warrant Register in the amount of \$552,862.29.

6.5 Newport Bay Watershed Cooperative Agreement (D99-128)

Approved the proposed amended and restated Newport Bay Watershed Cooperative Agreement (D99-128), and authorized the Mayor to execute the agreement subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL

8.1 November 2010 Ballot Proposition 18: State Water Bonds (agendized by Mayor Pro Tem Hack)

Mayor Pro Tem Hack summarized the agenda report, discussed Proposition 18, and noted that the Governor is considering asking that it be delayed until 2012.

Councilmembers Connors and Rhodes discussed their support for the proposition.

Moved by Mayor Pro Tem Hack, seconded by Councilmember Ring, and carried unanimously to adopt **Resolution No. 10-11** expressing the City Council's support for the proposed State water bond, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, SUPPORTING THE SAFE, CLEAN AND RELIABLE DRINKING WATER SUPPLY ACT OF 2010 ON THE NOVEMBER 2010 BALLOT

8.2 Advisory Committee Appointments

Moved by Councilmember Ring, seconded by Mayor Pro Tem Hack, and carried unanimously to ratify Councilmember Rhodes' nomination of Ted Loveder to the Land Use & Design Review Committee.

IX. CITY MANAGER

9.1 Bingo Game Regulations

City Manager Keane summarized the agenda report and noted that the following minor revisions to the proposed ordinance have been made since distribution of the agenda:

Page 3, Chapter 6.24.020(d) – Change “location” to “location(s)”
Page 4, Chapter 6.24.040(b) – Change “address” to “address(s)”

Page 7, Chapter 6.24.100(c) – Add “A summary of such records, in a format to be determined by the City Manager, shall be submitted annually to the City.”

Page 9, Chapter 6.24.140 – Add “...and such persons shall wear a badge that clearly identifying their name and association with the game sponsor.”

Councilmember Rhodes asked how remote bingo games would be handled.

City Manager Keane stated that the City would forward remote bingo applications to the Orange County Sheriff’s Department for background checks. The Sheriff’s Department’s fees would be in addition to the City’s fees.

City Manager Keane stated that the intent of the proposed ordinance is to make it easier for organizations to comply with State law.

At Councilmember Conners’ request, City Manager Keane discussed State restrictions on the use of proceeds from bingo games.

George Fisher, resident, suggested that the proposed ordinance, including increasing the maximum prize from \$250 to \$500 and allowing additional days of play per week, would have a negative impact on the Player’s Club. He questioned the authority of a permit as opposed to a license and the sufficiency of the proposed financial reporting.

City Manager Keane responded that the City Council can modify specific provisions of the ordinance, at their discretion. “Permit” and “license” are used interchangeably.

Mr. Fisher asked if infrequent games with prizes of less than \$25 are exempt.

City Manager Keane responded that State law contains no such exemption.

Mr. Fisher noted that State law only requires that bingo proceeds be given to a charitable organization. Charitable organizations could give them to whomever they wish.

In response to Councilmember Conners, Mr. Fisher confirmed that he is concerned that the proposed ordinance may create competition that is detrimental to the Player’s Club.

Councilmember Conners speculated that competition already exists. She stated that the purpose of the ordinance is to ensure that all of the bingo games that take place in the city are conducted according to law.

Mr. Fisher responded that the frequency of the games and the size of the prizes could affect attendance at the Player’s Club. He cautioned against allowing people to handle money without some sort of background investigation.

Mayor Pro Tem Hack asked about regulations for other gambling-type games.

City Manager Keane discussed State regulations for raffles, card games, and card houses. Silent auctions are not regulated by the State.

Roberta Berk, resident, suggested that the proposed ordinance would be time consuming for City staff. She questioned why the Orange County Sheriff's Department could not continue to enforce bingo regulations, why it is less costly for the City to allow three days of play, instead of two, and whether parking will be considered prior to permit issuance.

City Manager Keane explained that the Orange County Sheriff's Department cannot issue regulations for the City. The City is required to have its own regulations. She noted that the ordinance reflects changes in State law that have been made since incorporation.

At Councilmember Conners' request, City Manager Keane confirmed that the City is required by State law to set fees that do not exceed the cost of monitoring the program. Staff is suggesting a fee of between \$18 and \$35. Fees can be a maximum of \$50 plus the cost of background checks. Many of the bingo regulations are already in place. The proposed ordinance places them in one section of the Municipal Code and ensures that the City knows who is actually monitoring the organizations.

Councilmember Conners explained that by setting the maximum number of bingo players as the maximum occupancy of the room, parking concerns should be addressed.

Ms. Berk stated that bingo-only businesses could cause parking problems.

City Manager Keane clarified the types of organizations that are legally allowed to hold bingo games. Commercial enterprises are prohibited from holding bingo games.

Councilmember Conners encouraged staff to consider an annual review of finances, after confirming that the organization's finances appear to be handled appropriately.

City Manager Keane indicated that the ordinance gives staff the flexibility to do that and the Code Enforcement Officer will make site visits to new organizations, as necessary.

Mr. Fisher reiterated his belief that an individual should not be given the responsibility to run bingo games without a background check.

Councilmember Ring asked how many permits staff anticipates issuing.

City Manager Keane answered that the number is uncertain, but likely no higher than 10. She believes that at least one church will be required to apply for a permit and expects that some organizations may stop playing bingo after reviewing the regulations.

City Manager Keane clarified that organizations will be required to submit financial data in the City's format and that the City will bear the expense of having staff examine it. It would not be considered an actual audit.

Ms. Berk reiterated her belief that the proposed regulations seem complicated and asked why it is necessary for the City to conform to State law at this point.

City Manager Keane responded that the City became aware of the problem in the process of attempting to process a recent bingo permit application.

Moved by Councilmember Conners and seconded by Councilmember Ring to approve the introduction and first reading of an ordinance establishing regulations for bingo games, as amended, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, REPEALING CHAPTER 6.24 AND SECTION 7.12.040
OF THE LAGUNA WOODS MUNICIPAL CODE AND ADOPTING
NEW REGULATIONS PERTAINING TO BINGO GAMES

Councilmember Rhodes suggested that the maximum prize be \$250, instead of \$500, in order to encourage charitable activity.

Moved by Councilmember Rhodes and seconded by Councilmember Conners to amend the proposed ordinance by reducing the maximum prize from \$500 to \$250 per game.

Councilmember Ring asked Mr. Fisher if he had any objections to a \$250 prize.

Mr. Fisher expressed no objections.

Moved by Councilmember Rhodes, seconded by Councilmember Conners, and carried unanimously to amend the proposed ordinance by reducing the maximum prize from \$500 to \$250 per game.

Moved by Councilmember Conners, seconded by Councilmember Ring, and carried unanimously to approve the introduction and first reading of an ordinance establishing regulations for bingo games, as amended, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, REPEALING CHAPTER 6.24 AND SECTION 7.12.040
OF THE LAGUNA WOODS MUNICIPAL CODE AND ADOPTING
NEW REGULATIONS PERTAINING TO BINGO GAMES

X. CITY ATTORNEY'S REPORT

City Attorney McEwen commented on pending massage legislation.

XI. COMMITTEE REPORTS

- 11.1 Transportation Corridor Agencies (Mayor Pro Tem Hack)
Mayor Pro Tem Hack announced that TCA is exploring alternatives to toll booths.
- 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 discussed OCFA's FY 2010-11 budget and the possible creation of a foundation to accept grants and donations.

- 11.4 Southern California Water Committee (Mayor Pro Tem Hack)
Mayor Pro Tem Hack reported that the Committee has officially endorsed Proposition 18. Interviews for the Executive Director position will be conducted tomorrow.
- 11.5 Coastal Greenbelt Authority (Councilmember Conners)
Councilmember Conners stated that there was no meeting.
- 11.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes stated that there was no meeting.
- 11.7 Vector Control District Board (Board Member Bouer)
Board Member Bouer was not present to provide a report.

XII. PUBLIC COMMENTS

Roberta Berk, resident, expressed her opposition to the no right turn at red restriction at El Toro Road/Town Centre and asked what the City's responsibilities are for maintaining Aliso Creek.

City Manager Keane responded that the City is not responsible for maintenance but that there are other government organizations that are involved to some level. She noted that, in the City's early days, the Golden Rain Foundation and United Mutual denied allowing the City to maintain the creek. She noted that the water in the creek does not belong to either the Golden Rain Foundation or United Mutual and that various permits may be required by organizations such as CA Fish & Game and the water quality control boards.

Councilmember Conners suggested that the City Manager provide Ms. Berk with a list of other agencies with jurisdiction over the creek. She also discussed the no right turn on red restriction at El Toro Road/Town Centre and the City's plans to change to red and green arrows. She anticipates this will shorten the length of time turns are restricted.

City Manager Keane noted that the red and green arrow equipment will be installed in the near future, however the specific timeframe is subject to delivery of the equipment.

Janice Burston, resident, stated that she spoke with City Manager Keane last month about a petition circulated by Move On. She is requesting the City Council's support and asked how she could get their endorsement.

Councilmember Conners thanked Ms. Burston for her request and stated that she would like to research the issue before commenting further.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3)

- A. OC Division/League of California Cities Meeting, July 8, 2010 (Rhodes)
- B. Southern California Water Committee Quarterly Meeting, June 25, 2010 (Hack)

13.2 Other Comments and Announcements

Councilmember Conners discussed issues related to OC Waste & Recycling, including an award from the Orange County Grand Jury and a recent grant award. She encouraged the public to visit www.wastefreeOC.com and discussed legislation that would change the City's regional water quality control board boundaries.

XIV. CLOSED SESSION – None

XV. ADJOURNMENT

The meeting was adjourned at 3:32 p.m. in memoriam of Shirley “Carla” Gach a long-term office volunteer at City Hall. The next regular meeting will be at 2:00 p.m. on August 18, 2010 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California.

YOLIE TRIPPY, Deputy City Clerk

Adopted: August 18, 2010

MILT ROBBINS, Mayor