

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting
Wednesday, July 19, 2017
2:00 p.m.

Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637

Shari L. Horne
Mayor

Carol Moore
Mayor Pro Tem

Cynthia Conners
Councilmember



Noel Hatch
Councilmember

Joe Rainey
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

This meeting may be recorded, televised, and made publically available.

Public Comments: Persons wishing to address the City Council are requested to complete and submit a speaker card to City staff. Speaker cards are available near the entrance to the meeting location. Persons wishing to address the City Council on an item appearing on this agenda will be called upon at the appropriate time during the item's consideration. Persons wishing to address the City Council on an item *not* appearing on the agenda will be called upon during the "Public Comments" item. Persons who do not wish to submit a Speaker Card, or who wish to remain anonymous, may indicate their desire to speak from the floor. Speakers are requested, but not required, to identify themselves.

Americans with Disabilities Act (ADA): It is the intention of the City to comply with the ADA. If you need assistance to participate in this meeting, please contact either the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535 or the California Relay Service at (800) 735-2929/TTY (800) 735-2922. The City requests at least two business days' notice in order to effectively facilitate the provision of reasonable accommodations.

REGULAR MEETING SCHEDULE

The Laguna Woods City Council regularly meets on the third Wednesday of each month at 2 p.m.

AGENDA POSTING AND AVAILABILITY

Regular and Adjourned Regular Meetings: Pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act, the City of Laguna Woods posts agendas at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City's website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 02-33, at least 72 hours in advance of regular and adjourned regular meetings. Agendas and agenda materials are available at Laguna Woods City Hall during normal business hours and on the City's website. Printed copies of agendas and agenda materials are provided at no charge in advance of meetings. After meetings have occurred, a per page fee is charged for printed copies.

Special and Emergency Meetings: Agenda posting and availability for special and emergency meetings is conducted pursuant to all applicable provisions of California Government Code (Ralph M. Brown Act).

AGENDA DISTRIBUTION LISTS

Electronic Distribution: The City of Laguna Woods provides notification of agenda posting and availability via email. To register to receive email notifications, please email cityhall@cityoflagunawoods.org or contact the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535. Please note that the City is not responsible for, and makes no guaranties or warranties related to, the transmission or receipt of email notifications.

Mail Distribution: The City of Laguna Woods is able to mail agendas and/or agenda materials if provided with advance payment for postage and printing (if applicable). To request mail distribution, please email cityhall@cityoflagunawoods.org or contact the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535.

FOR ADDITIONAL INFORMATION

For additional information, please contact the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535, cityhall@cityoflagunawoods.org, or 24264 El Toro Road, Laguna Woods, California 92637.

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, Yolie Trippy, Deputy City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City's website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 02-33, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.



YOLIE TRIPPY, Deputy City Clerk

7-14-17

Date

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Human Exploitation and Trafficking Presentation – Orange County District Attorney’s Office

Recommendation: Receive and file.

V. PUBLIC COMMENTS

About Public Comments: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. Pursuant to State law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

VI. CONSENT CALENDAR

About the Consent Calendar: All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, City staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

6.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the regular meeting on June 21, 2017 and the adjourned regular meeting on June 28, 2017.

6.2 City Treasurer’s Report

Recommendation: Receive and file the City Treasurer’s Report for the month of June 2017.

6.3 Warrant Register

Recommendation: Approve the warrant register dated July 19, 2017 in the amount of \$100,377.34.

6.4 Pavement Management Plan Project 1) Eastbound El Toro Road (Avenida Sevilla to Paseo de Valenica) 2) Pedestrian Accessibility

Recommendation:

1. Approve final plans and specifications reflecting completion of the “Pavement Management Plan Project 1) Eastbound El Toro Road (Avenida Sevilla to Paseo de Valenica) 2) Pedestrian Accessibility”, as recommended by the City Engineer.

AND

2. Accept project completion of the contract agreement with El Camino Asphalt Paving Corp. for the “Pavement Management Plan Project 1) Eastbound El Toro Road (Avenida Sevilla to Paseo de Valenica) 2) Pedestrian Accessibility”.

AND

3. Release contract retention in the amount of \$2,750 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange.

AND

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

VII. PUBLIC HEARINGS

VIII. CITY COUNCIL BUSINESS

8.1 Medical and Non-Medical Marijuana Cultivation Regulations

Recommendation: Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING

SECTIONS 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND
13.26.026 OF THE LAGUNA WOODS MUNICIPAL CODE
RELATED TO MEDICAL AND NON-MEDICAL
MARIJUANA CULTIVATION

8.2 Mayors National Climate Action Agenda
(agendized by Mayor Horne)

Recommendation: Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, JOINING THE
MAYORS NATIONAL CLIMATE ACTION AGENDA
(ALSO KNOWN AS THE CLIMATE MAYORS NETWORK)
AND SUPPORTING RELATED CLIMATE AND
GREENHOUSE GAS EMISSIONS REDUCTION EFFORTS

IX. CITY COUNCIL REPORTS AND COMMENTS

About City Council Comments and Reports: This is the time and place for members of the City Council to provide reports on meetings attended including, but not limited to, meetings of regional boards and entities to which they have been appointed to represent the City and meetings attended at the expense of the City pursuant to California Government Code Section 53232.3. Members of the City Council may also make other comments and announcements.

- 9.1 Coastal Greenbelt Authority
Councilmember Connors; Alternate: Mayor Horne
- 9.2 Orange County Fire Authority
Councilmember Hatch
- 9.3 Orange County Library Advisory Board
Mayor Pro Tem Moore; Alternate: Mayor Horne
- 9.4 Orange County Mosquito and Vector Control District
Mayor Horne
- 9.5 San Joaquin Hills Transportation Corridor Agency
Councilmember Connors; Alternate: Mayor Pro Tem Moore

9.6 South Orange County Watershed Management Area
Mayor Pro Tem Moore; Alternate: Councilmember Hatch

9.7 Other Comments and Reports

X. CLOSED SESSION

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Regular Meeting:

Wednesday, August 16, 2017 at 2 p.m.

Laguna Woods City Hall

24264 El Toro Road, Laguna Woods, California 92637

4.1

**HUMAN EXPLOITATION AND TRAFFICKING
PRESENTATION – ORANGE COUNTY DISTRICT
ATTORNEY’S OFFICE
(NO REPORT)**

This page is intentionally blank.

6.1-6.4
CONSENT CALENDAR SUMMARY

This page is intentionally blank.



City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: July 19, 2017 Regular Meeting
SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the July 19, 2017 Consent Calendar by single motion and City Council action.

Background

All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

Summary

The July 19, 2017 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the regular meeting on June 21, 2017 (Attachment A) and the adjourned regular meeting on June 28, 2017 (Attachment B).
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of June 2017.
- 6.3 Approval of the warrant register dated July 19, 2017 in the amount of \$100,377.34. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at City Hall.

- 6.4 [1] Approval of final plans and specifications reflecting completion of the “Pavement Management Plan Project 1) Eastbound El Toro Road (Avenida Sevilla to Paseo de Valencia) 2) Pedestrian Accessibility” (“Project”), as recommended by the City Engineer (available for review at City Hall); [2] acceptance of project completion of the contract agreement with El Camino Asphalt Paving Corp. for the Project; [3] release of contract retention in the amount of \$2,750 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange; and, [4] exoneration of project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange. The Project is included in the City’s Capital Improvement Program.

6.1
CITY COUNCIL MINUTES

This page is intentionally blank.

**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
June 21, 2017
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

Mayor Horne called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

II. ROLL CALL

COUNCILMEMBER: PRESENT: Conners, Moore, Horne
 ABSENT: Hatch

STAFF PRESENT: City Manager Macon, City Attorney Cosgrove, Administrative
 Services Director/City Treasurer Cady, Deputy City Clerk Trippy

III. PLEDGE OF ALLEGIANCE

Ian Samson, resident, led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Adopt-A-Cat Month – June 2017

Councilmembers made comments.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried on a 3-0 vote, with Councilmember Hatch absent, to approve and present the proclamation.

4.2 Gun Violence Awareness Month – June 2017

Ian Samson, Concerned Citizens of Laguna Woods Village Ad-Hoc Committee on Gun Violence, made comments.

Councilmembers made comments.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried on a 3-0 vote, with Councilmember Hatch absent, to approve and present the proclamation.

4.3 Immigrant Heritage Month – June 2017

Councilmembers made comments.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried on a 3-0 vote, with Councilmember Hatch absent, to approve and present the proclamation.

4.4 Pride Month – June 2017

Larry Delira, Laguna Woods Village Rainbow Club, made comments.

Councilmembers made comments.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried unanimously on a 3-0 vote, with Councilmember Hatch absent, to approve and present the proclamation.

Mayor Horne called for a brief recess.

The meeting was called back to order at 2:27 p.m.

V. PUBLIC COMMENT

Juanita Skillman, United Mutual, thanked the City Council for allowing United Mutual to hold their board meetings at City Hall while their boardroom underwent renovations. She inquired as to when the vacant commercial properties in Laguna Woods will be filled.

Councilmembers and staff briefly responded to Ms. Skillman's comments.

Donovan Higbee, Representative of Congresswoman Mimi Walters, stated that staff from the Congresswoman's office will be at Laguna Woods City Hall on July 13, 2017, from 9 a.m. to 12 p.m., to assist residents with any issues they might have with a federal agency.

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Moore, seconded by Councilmember Conners, and carried on a 3-0 vote, with Councilmember Hatch absent, to approve Consent Calendar Items 6.1 – 6.12.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on May 17, 2017 and the special meeting on May 30, 2017.

6.2 City Treasurer's Report

Received and filed the City Treasurer's Report for the month of May 2017.

6.3 Warrant Register

Approved the warrant register dated June 21, 2017 in the amount of \$964,099.32.

6.4 Fiscal Year 2016-17 Budget Adjustments

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION NO. 17-11 AND ADOPTING A FISCAL YEAR 2016-17 BUDGET FOR THE MEASURE M1 FUND; INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGETS FOR THE BEVERAGE CONTAINER RECYCLING FUND, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND, AND SENIOR MOBILITY FUND; INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGET AND AUTHORIZING TRANSFERS FROM THE GENERAL FUND TO THE FUEL TAX FUND, MEASURE M2 FUND, SENIOR MOBILITY FUND, MEASURE M1 FUND, AND PROPOSITION 84 GRANT FUND; INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGETS AND AUTHORIZING TRANSFERS FROM THE TRAFFIC MITIGATION FEES FUND AND CALRECYCLE GRANT FUND TO THE GENERAL FUND; AND, AUTHORIZING THE CLOSURE OF THE CALRECYCLE GRANT FUND, MEASURE M1 FUND, PROPOSITION 84 GRANT FUND, AND TRAFFIC MITIGATION FUND

6.5 Law Enforcement Services

Approved an agreement with the County of Orange for law enforcement services and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.6 As Needed Waste Management Consulting Services

Approved an extension of the agreement with Michael Balliet for as needed waste management consulting services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.7 Landscape Maintenance Services

Approved an extension of the agreement with Nieves Landscape, Inc. for landscape maintenance services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.8 Traffic Signal, Street Light, and City Hall Lighting Maintenance Services

Approved an agreement with Computer Service Company for traffic signal, street light, and City Hall lighting maintenance services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.9 Local Signal Synchronization Plan

Adopted a Local Signal Synchronization Plan for Fiscal Years 2017-18 through 2019-20, as recommended by the City Engineer/City Traffic Engineer, and directed the City Engineer/City Traffic Engineer to execute and submit the Local Signal Synchronization Plan to the Orange County Transportation Authority as required to maintain Measure M2 eligibility.

6.10 Measure M2 Eligibility

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, LOCAL SIGNAL SYNCHRONIZATION PLAN, AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) PROGRAM

6.11 Moulton Parkway Water Efficient Median Improvement Project

1. Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AMENDED FUEL TAX FUND APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017 RELEATED TO THE MOULTON PARKWAY WATER EFFICIENT MEDIAN IMPROVEMENT PROJECT

AND

2. Approved the “Moulton Parkway Water Efficient Median Improvement Project” design plans and specifications as recommended by the City Engineer.

AND

3. Awarded a contract agreement to STL Landscape, Inc. for the construction of the “Moulton Parkway Water Efficient Median Improvement Project”, in the amount of \$219,131, plus authorized change orders not to exceed 10% of the base amount; and authorized the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney.

6.12 Laguna Woods Civic Support Fund

Appointed Ryna Rothberg to the Board of Directors for the Laguna Woods Civic Support Fund as a resident member.

VII. PUBLIC HEARINGS

7.1 Medical and Non-Medical Marijuana Cultivation Regulations

City Manager Macon made a presentation.

Mayor Horne opened the public hearing.

With no requests to speak, the public hearing was closed.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried on a 3-0 vote, with Councilmember Hatch absent, to approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.026 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO MEDICAL AND NON-MEDICAL MARIJUANA CULTIVATION

VIII. CITY COUNCIL BUSINESS

8.1 Budgeting, Reserves, and Reporting Policy

City Manager Macon made a presentation.

Councilmembers made comments.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried on a 3-0 vote, with Councilmember Hatch absent, to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING MODIFICATIONS TO ADMINISTRATIVE POLICY 2.9 PERTAINING TO BUDGETING, RESERVES, AND REPORTING

8.2 Fiscal Years 2017-19 Budget and Work Plan Development

City Manager Macon made a presentation.

Councilmembers made comments.

8.3 City Council Vacancy

Mayor Horne introduced the item.

City Manager Macon made a presentation. He noted that the City received six applications and that one applicant (Francis Herman) did not meet the eligibility requirements.

By consensus, the City Council opted to invite all of the remaining eligible applicants for an interview at the adjourned regular meeting of the City Council on June 28, 2017 at 2 p.m. at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

Councilmember Connors provided a report.

9.2 Orange County Fire Authority

No report was given due to Councilmember Hatch's absence.

Division Chief Jeff Adams, Orange County Fire Authority, provided safety tips for the current fire season.

Councilmembers briefly responded to Division Chief Adams' comments.

9.3 Orange County Library Advisory Board

Mayor Pro Tem Moore stated that there had been no meeting since the last meeting.

9.4 Orange County Mosquito and Vector Control District

Mayor Horne provided a report.

Mayor Pro Tem Moore briefly responded to the report.

9.5 San Joaquin Hills Transportation Corridor Agency

Councilmember Connors provided a report.

Mayor Pro Tem Moore briefly responded to the report.

9.6 South Orange County Watershed Management Area

Mayor Pro Tem Moore provided a report.

9.7 Other Comments and Reports

Mayor Horne reported on a recent visit to the Buena Park Senior Center where senior issues were discussed.

Mayor Horne requested that a discussion pertaining to the Climate Mayors Network/Paris Climate Agreement be placed on the agenda for the July 2017 City Council meeting.

X. CLOSED SESSION – None

XI. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

The meeting was adjourned at 3:27 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Wednesday, June 28, 2017, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. The next regular meeting will be at 2:00 p.m. on Wednesday, July 19, 2017, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: July 19, 2017

SHARI L. HORNE, Mayor

This page is intentionally blank.

**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
June 28, 2017
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

Mayor Horne called the Adjourned Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

II. ROLL CALL

COUNCILMEMBER: PRESENT: Conners, Hatch, Moore, Horne
 ABSENT: -

STAFF PRESENT: City Manager Macon, City Attorney Cosgrove, Administrative Services Director/City Treasurer Cady, Deputy City Clerk Trippy

III. PLEDGE OF ALLEGIANCE

Kathryn Freshley, resident, led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Louis Edge Zobel – 97th Birthday

Mr. Zobel made comments.

Councilmembers made comments.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried unanimously on a 4-0 vote, to approve and present the commendation.

4.2 Orange County Fair Presentation

Kathy Kramer, OC Fair & Events Center, discussed the upcoming Orange County Fair.

Councilmembers discussed the presentation and Ms. Kramer answered related questions.

V. PUBLIC COMMENT – None

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Moore, seconded by Councilmember Hatch, and carried unanimously on a 4-0 vote, to approve Consent Calendar Items 6.1 – 6.5.

6.1 As Needed Financial Consulting Services

Approved an agreement with Irwin B. Bornstein for as needed financial consulting services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.2 Information Technology Services

Approved an agreement with Practical Data Solutions for information technology services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.3 Street, Right-of-Way, and Infrastructure Maintenance Services

Approved an extension and amendment of the agreement for services with PV Maintenance, Inc. for street, right-of-way, and infrastructure maintenance services and authorized the City Manager to execute the extension and amendment, subject to approval as to form by the City Attorney.

6.4 Employee Compensation and Benefits

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

6.5 Fiscal year 2016-17 Annual Appropriations Limit

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A CORRECTED ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2016-17 COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL BUSINESS

8.1 Fiscal Years 2017-19 Budget & Work Plan

City Manager Macon summarized the agenda report.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Connors, and carried unanimously on a 4-0 vote, to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE FISCAL YEARS 2017-19 BUDGET AND WORK PLAN FOR FISCAL YEAR 2017-18 COMMENCING JULY 1, 2017 AND ENDING JUNE 30, 2018, AND FISCAL YEAR 2018-19 COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019

Moved by Mayor Pro Tem Moore, seconded by Councilmember Hatch, and carried unanimously on a 4-0 vote, to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A SEVEN-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2017-18 THROUGH 2023-24 IN COMFORMANCE WITH MEASURE M2 REQUIREMENTS

Moved by Mayor Pro Tem Moore, seconded by Councilmember Hatch, and carried unanimously on a 4-0 vote, to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017-18 COMMENCING JULY 1, 2017 AND ENDING JUNE 30, 2018

City Manager Macon thanked Administrative Services Director/City Treasurer Cady for her work on the budget and work plan.

The City Council thanked staff for their work on the budget and work plan.

8.2 City Council Vacancy

Mayor Horne introduced the agenda item.

The following City Council candidates made introductory remarks in alphabetical order:

1. Prakash M. Achrekar
2. Richard B. Johnston
3. Louise Lanning
4. William “Joe” Rainey
5. Sheryl Strich

The City Council asked questions of all candidates.

Mayor Horne called for a brief recess.

The meeting was called back to order at 3:59 p.m.

Mayor Horne stated that each Councilmember would be asked to select his or her top choice to fill the vacancy in a non-binding written poll.

Mayor Pro Tem Moore selected Richard B. Johnston.

Councilmember Connors selected William “Joe” Rainey.

Mayor Horne selected Richard B. Johnston.

Councilmember Hatch selected William “Joe” Rainey.

Councilmembers discussed the reasons for the selections made.

Mayor Horne requested a second non-binding written poll, where each Councilmember would be asked to select his or her top choice to fill the vacancy.

Councilmember Connors selected William “Joe” Rainey.

Councilmember Hatch selected William “Joe” Rainey.

Mayor Horne selected William “Joe” Rainey.

Mayor Pro Tem Moore selected Richard B. Johnston.

Moved by Councilmember Connors, seconded by Mayor Pro Tem Moore, and carried unanimously on a 4-0 vote, to appoint William “Joe” Rainey to the City Council for the balance of the unexpired term of the former incumbent.

Mayor Horne called for a brief recess.

The meeting was called back to order at 4:26 p.m.

City Manager Macon administered the oath of office to William “Joe” Rainey.

8.3 Ad Hoc Audit Committee

City Manager Macon summarized the agenda report.

Moved by Councilmember Connors, seconded by Mayor Pro Tem Moore, and carried unanimously on a 5-0 vote, to appoint Councilmember Hatch and Councilmember Rainey to an Ad Hoc Audit Committee beginning immediately through December 31, 2017 to work with the City’s independent auditors on matters related to the Fiscal Year 2016-17

audit.

8.4 San Joaquin Hills Transportation Corridor Agency

Mayor Horne introduced the item.

Councilmember discussed the item and staff answered related questions.

Moved by Mayor Horne, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to appoint Councilmember Connors as the director and Mayor Pro Tem Moore as the alternate on the San Joaquin Hills Transportation Corridor Agency Board of Directors beginning immediately through December 31, 2017.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

No report was given.

9.2 Orange County Fire Authority

Councilmember Hatch provided a report.

9.3 Orange County Library Advisory Board

No report was given.

9.4 Orange County Mosquito and Vector Control District

No report was given.

9.5 San Joaquin Hills Transportation Corridor Agency

No report was given.

9.6 South Orange County Watershed Management Area

No report was given.

9.7 Other Comments and Reports

Mayor Horne reported on a recent Southern California Association of Governments meeting pertaining to demographics.

X. CLOSED SESSION

City Attorney Cosgrove noted that due to time constraints, the closed session item (Item 10.1) would be moved to a future City Council meeting. There were no objections from either the City Council or the City Manager.

No closed session was held.

XI. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

The meeting was adjourned at 4:33 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, July 19, 2017, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: July 19, 2017

SHARI L. HORNE, Mayor

6.2
CITY TREASURER'S REPORT

This page is intentionally blank.



City of Laguna Woods
City Treasurer's Report
For the Month Ended June 30, 2017

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 5/31/17	Earnings & Receipts	Disbursements	Transfers & Other Adjustments	Ending Balances As of 6/30/17	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 4)	\$ 940,741	\$ 355,069	\$ (329,706)	\$ -	\$ 966,104	8.75%	
Deposits in Transit - Earned Interest, Securities Account	\$ 775	\$ 971	\$ (775)	\$ -	\$ 970.97	0.01%	
Petty Cash	\$ 1,684	\$ -	\$ (412)	\$ -	\$ 1,271.99	0.01%	
Total Cash and Cash Equivalents	\$ 943,200	\$ 356,040	\$ (330,893)	\$ -	\$ 968,347	8.77%	100.00%
Pooled Money Investment Accounts (PIMA)							
Local Agency Investment Fund (LAIF) (Notes 1 and 2)	\$ 4,155,898	\$ -	\$ -	\$ -	\$ 4,155,898	37.63%	
Orange County Investment Pool (OCIP) (Note 3)	\$ 4,002,398	\$ -	\$ -	\$ -	\$ 4,002,398	36.24%	
Total Pooled Money Investment Accounts	\$ 8,158,296	\$ -	\$ -	\$ -	\$ 8,158,296	73.86%	90.00%
Investments - Interest and Income Bearing							
Certificates of Deposit (book value) (Note 5)	\$ 1,918,005	\$ 1,640	\$ (775)	\$ -	\$ 1,918,869	17.37%	
Total Investments	\$ 1,918,005	\$ 1,640	\$ (775)	\$ -	\$ 1,918,869	17.37%	20.00%
TOTAL CASH, CASH EQUIVALENTS, AND INVESTMENTS							
	<u>\$ 11,019,502</u>	<u>\$ 357,680</u>	<u>\$ (331,669)</u>	<u>\$ -</u>	<u>\$ 11,045,513</u>		

Summary of Total Cash, Cash Equivalents, and Investments (Note 4):

	General Fund	Special Revenue Funds	Totals
Analyzed Checking	\$ (329,212)	\$ 1,295,316	\$ 966,104
Deposits in Transit	\$ 971	\$ -	\$ 971
Petty Cash	\$ 1,272	\$ -	\$ 1,272
LAIF	\$ 4,155,898	\$ -	\$ 4,155,898
OCIP	\$ 4,002,398	\$ -	\$ 4,002,398
Certificates of Deposit	\$ 1,918,869	\$ -	\$ 1,918,869
Totals	<u>\$ 9,750,197</u>	<u>\$ 1,295,316</u>	<u>\$ 11,045,513</u>

(See **NOTES** on Page 3 of 3)



City of Laguna Woods
City Treasurer's Report
For the Month Ended June 30, 2017

ITEM 6.2

INVESTMENT PORTFOLIO DETAIL

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 5)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
02006LM59	2016-1	ALLY BK MIDVALE UTAH	24 months	09/12/16	09/15/16	245,000	243,591	245,000	1.150	Semi-Annual	03/15/17	300	1.150	09/17/18
2366+LAM8	2016-2	CITY BANK	12 months	09/12/16	09/20/16	245,000	244,814	245,000	0.800	Annual	09/20/17	247	0.800	09/20/17
949763BJ4	2016-3	WELLS FARGO BANK	18 months	09/13/16	09/28/16	245,000	244,272	245,000	1.000	Monthly	10/28/16	295	1.000	03/28/18
140420F47	2016-4	CAPITAL ONE BANK USA	18 months	09/13/16	09/21/16	245,000	244,294	245,000	1.000	Semi-Annual	03/21/17	300	1.000	03/21/18
57116ANC8	2017-1	MARLIN BUSINESS BK SALT LAKE	18 months	01/13/17	01/13/17	245,000	244,723	245,000	1.250	Monthly	02/13/17	300	1.250	07/13/18
508176CH5	2017-2	LAKE CITY BANK	24 months	03/08/17	03/22/17	245,000	245,238	245,000	1.600	Monthly	04/22/17	300	1.600	03/22/19
45340KDY2	2017-3	INDEPENDENCE BANK OF KY	10 months	05/04/17	05/09/17	100,000	99,848	100,000	1.000	Monthly	06/09/17	242	1.000	03/09/18
02587DR26	2017-4	AMERICAN EXPRESS CENTURIAN	18 months	05/04/17	05/10/17	245,000	245,169	245,000	1.500	Semi-Annual	11/10/17	300	1.500	11/13/18
864088DC0	2017-5	STURGIS BANK & TRUST CO.	9 months	05/04/17	05/18/17	100,000	99,866	100,000	1.000	Monthly	06/18/17	206	1.000	02/20/18
Accrued Interest - Month End						3,869	0	3,869						
Total CDs						1,918,869	1,911,815	1,918,869						

(*) CDs are rated or ranked using an IDC Financial Publishing, Inc. compiled ranking, and includes a one-number summary rank of quality comprised of 35 key financial ratios. Ranks range from 1 (the lowest) to 300 (the highest) and fall into one of the following six groups:

Rank	Group
200-300	Superior
165-199	Excellent
125-164	Average
75-124	Below Average
2-74	Lowest Ratios
1	Highest Probability of Failure

Pooled Money Investment Accounts (PIMA) (Notes 1, 2, and 3)

N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	4,155,898	4,155,898	4,155,898	0.093	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	4,002,398	4,002,398	4,002,398	0.100	N/A	N/A	N/A	N/A	N/A
Total PIMA						4,155,898	4,155,898	4,155,898						

(See **NOTES** on Page 3 of 3)



City of Laguna Woods
City Treasurer's Report
For the Month Ended June 30, 2017

OTHER FUNDS - HELD IN TRUST

	Beginning Balances As of 5/31/17	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 6/30/17
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (CERBT holds all assets and administers the OPEB Trust)	\$ 67,520	\$ -	\$ (5)	\$ (56)	\$ 67,459
Total Other Funds - Held in Trust	<u>\$ 67,520</u>	<u>\$ -</u>	<u>\$ (5)</u>	<u>\$ (56)</u>	<u>\$ 67,459</u>

Notes:

Note 1 - LAIF / During this period there were no transfers to or from the LAIF account.

Note 2 - LAIF / The stated earnings rate for LAIF balances is an average monthly yield applied to the City's weighted average balance within the total pool. Earnings are paid the month after the end of each quarter. Interest earnings for the quarter ended June 30, 2017 will post in July 2017.

LAIF average monthly investment yield rate this last month, June 2017, was 0.978%.

LAIF quarterly administrative costs were 0.092% for the quarter ended March 31, 2017. Rates for the quarter ended June 30, 2017 have not yet been posted.

Note 3 - OCIP / The stated earnings rate for OCIP balances is an average monthly yield applied to the City's weighted average balance within the total pool. Earnings are accrued monthly. June accrued interest was \$3,492.04 and will be deposited in July 2017.

OCIP average monthly investment yield rate this last month (month of account inception), June 2017, was 1.062%.

OCIP administrative costs were 0.005% for the month ended June 30, 2017.

Note 4 - Analyzed Checking Account / Monthly activity reported does not reflect June vendor invoicing processed after the date of this report.

Note 5 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. Interest received on certificates of deposits for the month of June 2017 was \$970.97.

City Treasurer's Certification

I, Margaret A. Cady, City Treasurer, do hereby certify:

- That all investment actions executed since the last report have been made in full compliance with the City's Investment of Financial Assets Policy; and
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months.

Margaret A Cady
 Margaret A. Cady, City Treasurer

7/13/17
 Dated

This page is intentionally blank.

6.3 WARRANT REGISTER

This page is intentionally blank.

CITY OF LAGUNA WOODS
WARRANT REGISTER
7/19/2017

ITEM 6.3

Debit	Date	Vendor Name	Description	Amount
<i>Automatic Bank Debits</i>				
Debit	6/14/2017	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 6/9/2017	\$34,254.33
Debit	6/15/2017	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 6/9/2017	2,351.02
Debit	6/23/2017	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 6/9/2017	158.58
Debit	6/28/2017	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 6/23/2017	30,693.80
Debit	6/29/2017	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 6/23/2017	2,351.02
Debit	7/7/2017	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 6/23/2017	158.58
Debit	7/1/2017	CALPERS - HEALTH	Employee Benefit Program / July 2017	3,141.59
Check				
<i>Warrants:</i>				
1306	6/23/2017	SOUTHERN CALIFORNIA EDISON	Traffic Signal Control / May 2017	242.42
1307	6/30/2017	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / May 2017	14,069.00
1307	6/30/2017	CALIFORNIA YELLOW CAB	Taxi Voucher Services / May 2017	12,957.00
Total Bank Debits and Warrants:				<u>\$100,377.34</u>
TOTAL				<u>\$100,377.34</u>

This page is intentionally blank.

6.4

**PAVEMENT MANAGEMENT PLAN PROJECT 1)
EASTBOUND EL TORO ROAD (AVENIDA
SEVILLA TO PASEO DE VALENCIA) 2)
PEDESTRIAN ACCESSIBILITY
(NO REPORT)**

This page is intentionally blank.

8.1

**MEDICAL AND NON-MEDICAL MARIJUANA
CULTIVATION REGULATIONS**

This page is intentionally blank.



City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager
David B. Cosgrove, City Attorney

FOR: July 19, 2017 Regular Meeting

SUBJECT: Medical and Non-Medical Marijuana Cultivation Regulations

Recommendation

Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.026 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO MEDICAL AND NON-MEDICAL MARIJUANA CULTIVATION

Background

On January 20, 2016, the City Council adopted regulations related to commercial medical marijuana cultivation, which are now codified in Section 13.26.026 of the Laguna Woods Municipal Code. In general, those regulations prohibit commercial medical marijuana cultivation and allow small-scale, personal medical marijuana cultivation that is conducted in conformance with state law.

On November 8, 2016, a majority of California voters voted to approve Proposition 64 (Control, Regulation, and Tax Adult Use of Marijuana Act) which, among other things, decriminalized certain non-medical marijuana-related activities under state law, including certain small-scale, personal non-medical marijuana cultivation.

On June 21, 2017, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment A) which, if adopted, would clarify and supplement the City's land use regulations regarding medical and non-medical marijuana cultivation.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on proposed medical and non-medical marijuana cultivation regulations (Attachment A). The proposed ordinance would extend a substantially similar regulatory approach as currently exists for medical marijuana cultivation to non-medical marijuana cultivation, as discussed below and in the proposed ordinance.

A. Proposed Impact on Medical Marijuana Cultivation.

With respect to medical marijuana cultivation, the proposed ordinance would not alter the existing regulatory approach. Commercial medical marijuana cultivation would continue to be prohibited, while certain cultivation by qualified patients for personal use and by primary caregivers for qualified patients, in conformance with state law, would continue to be allowed. Prohibited forms of medical marijuana cultivation align with requirements for State-licensing and exclude the following:

1. "a qualified patient cultivating marijuana pursuant to Section 11362.5 [of the Health and Safety Code] if the area he or she uses to cultivate marijuana does not exceed 100 square feet and he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity"; or
2. "a primary caregiver cultivating marijuana pursuant to Section 11362.5 [of the Health and Safety Code] if the area he or she uses to cultivate marijuana does not exceed 500 square feet and he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 and does not receive remuneration for these activities, except for compensation provided in full compliance with subdivision (c) of Section 11362.765."
(AB 243, § 6 [Health & Saf. Code § 11362.777(g)].)

In other words, if a medical marijuana cultivation activity does not require a State license, it would continue be considered exempt under the proposed ordinance.

B. Proposed Impact on Non-Medical Marijuana Cultivation.

With respect to non-medical marijuana cultivation, the proposed ordinance would explicitly prohibit commercial cultivation, but allow certain small-scale, personal cultivation provided that it is conducted in conformance with state law. State law generally allows an individual who is at least 21 years of age to cultivate up to six marijuana plants, and prohibits cities from adopting regulations to the contrary.

If the City Council takes the recommended action at today's meeting, the proposed ordinance would become effective in 30 days.

Environmental Review

The adoption of regulations is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3) and 15321 of the CEQA Guidelines.

Fiscal Impact

The recommended action could be accommodated in the City's budget.

Attachment: A – Proposed Ordinance
Exhibit A – Proposed Code Amendments

This page is intentionally blank.

ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.026 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO MEDICAL AND NON-MEDICAL MARIJUANA CULTIVATION

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5, and entitled “The Compassionate Use Act of 1996” or “CUA”); and

WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as Health and Safety Code Section 11362.7 et seq., and referred to as the “Medical Marijuana Program Act” or “MMPA”) to clarify the scope of the CUA and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specific state criminal statutes; and

WHEREAS, in October of 2015, the Legislature enacted the “Medical Marijuana Regulation and Safety Act” or the “MMRSA” that substantially reworked existing State laws relating to medical marijuana (i.e., the CUA and the MMPA), and although the MMRSA took effect January 1, 2016, the State anticipates that it will need until January of 2018 to set up the necessary agencies, information systems, and regulations to implement and administer many aspects of the MMRSA (such as issuing State licenses for cultivation operations); and

WHEREAS, in November of 2016, California voters approved Proposition 64 (the “Control, Regulation, and Tax Adult Use of Marijuana Act”) which, among other things, decriminalized certain forms of non-medical marijuana-related activities under state law; and

WHEREAS, the MMRSA and Proposition 64 specifically authorize cities to prohibit the commercial cultivation of medical and non-medical marijuana; and

WHEREAS, in January of 2016, the City Council for the City of Laguna Woods (“City Council”) adopted Ordinance No. 16-01, which added Section 13.26.026 (Commercial Medical Marijuana Cultivation) to its Zoning Code to prohibit the commercial cultivation of *medical* marijuana but allow small-scale cultivation of medical marijuana for personal use (as opposed to commercial use) to

the same extent personal cultivation operations are exempt from the MMRSA’s State licensing requirements; and

WHEREAS, because the City adopted its commercial cultivation regulations prior to the passage of Proposition 64, the City’s regulations do not specifically address the cultivation of *non-medical* marijuana, but under the City’s permissive zoning regulations (i.e., Section 13.02.060 of the Laguna Woods Municipal Code, which provides that unlisted uses, like non-medical marijuana cultivation, are deemed prohibited unless the City Manager makes certain findings), the commercial cultivation of non-medical marijuana is not a permitted use in any of the City’s zoning districts; and

WHEREAS, the City Council finds that, like the commercial cultivation of *medical* marijuana, the commercial cultivation of *non-medical* marijuana, as allowed by the Proposition 64, could adversely affect public health, safety, and welfare, particularly if unregulated; and

WHEREAS, local regulation of the commercial cultivation of both medical and non-medical marijuana is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, indoor electrical fire hazards that may result from such activities, and other potential adverse secondary effects; and

WHEREAS, although commercial non-medical marijuana cultivation is already a prohibited land use under the City’s permissive zoning regulations, the City Council desires to enact this ordinance to clarify that the City’s existing regulations for commercial cultivation apply to both medical and non-medical marijuana; and

WHEREAS, Proposition 64 exempts certain small-scale *personal* non-medical marijuana cultivation operations (as distinguished from larger-scale *commercial* cultivation) from state and local regulations; specifically, subdivision (a)(3) of Section § 11362.1 of the California Health and Safety Code states that:

“Subject to Sections 11362.2, 11362.3, 11362.4, and 11362.45, but notwithstanding any other provision of law, it shall be lawful under state and local law, and shall not be a violation of state or local law, for persons 21 years of age or older to ... [p]ossess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants ...”; and

WHEREAS, on June 21, 2017, the City Council considered proposed amendments to the Laguna Woods Municipal Code, as identified in Exhibit A attached hereto and incorporated herein by reference (“Code Amendment”), to expressly prohibit the commercial cultivation of *non-medical* marijuana but allow small-scale cultivation of *non-medical* marijuana for personal use (as opposed to commercial use) to the same extent Proposition 64 exempts personal cultivation operations are exempt from state and local laws; and

WHEREAS, the Community Development Director or his or her designee prepared an exhibit, including proposed language and terminology for the proposed Code Amendments and any additional information and documents deemed necessary for the City Council to take action, and such exhibit was available for public inspection at City Hall and, upon request, was supplied to all persons desiring a copy, at least ten days prior to the scheduled City Council public hearing date; and

WHEREAS, on June 21, 2017, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. In adopting this Ordinance, the City Council finds and determines that each of the recitals to this Ordinance are true and correct and are adopted herein as findings.

SECTION 2. This Ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the CUA, the MMPA, the MMRSA, and Proposition 64.

SECTION 3. The City Council hereby finds and determines that (i) the Code Amendments comply with all applicable requirements of State law; (ii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iii) the Code Amendments are in the public interest of the City of Laguna Woods; and, (iv) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 4. After reviewing the entire project record, the City Council finds and determines that the adoption of this Ordinance is not a project under the requirements

of the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3), 15321, and 15378 of the CEQA Guidelines. It can be seen with certainty that the adoption of the Zoning Code presents no possibility that the activity in question will pose a significant effect on the environment, since there are no commercial dispensary or cultivation facilities present within the city, and this ordinance will continue that baseline condition; the ordinance relates to enforcement actions in connection with permits and permitted activities, and relates to general policy and procedure making of the City.

SECTION 5. Sections 13.08.010, 13.10.020, 13.12.020, 13.13.020, and 13.26.026 of the Laguna Woods Municipal Code are hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 6. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 7. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 8. The Deputy City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 9. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 17-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2017, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2017 by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

This page is intentionally blank.

**EXHIBIT A
CODE AMENDMENTS**

Section 13.08.010 (“Table of permitted uses”) of Chapter 13.08 (“Residential Districts”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

	Districts			
Land Use Types	RMF	RC	RT	Code References
<u>Marijuana Cultivation, Commercial</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>13.26.026</u>

Section 13.10.020 (“Table of permitted uses”) of Chapter 13.10 (“Commercial Districts”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

	Districts			
Land Use Types	NC	CC	PA	Code References
<u>Marijuana Cultivation, Commercial</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>13.26.026</u>

Section 13.12.020 (“Table of permitted uses”) of Chapter 13.12 (“Open Space Districts”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

	Districts		
Land Use Types	OS-P	OS-R	Code References
<u>Marijuana Cultivation, Commercial</u>	<u>X</u>	<u>X</u>	<u>13.26.026</u>

Section 13.13.020 (“Table of permitted uses”) of Chapter 13.13 (“Community Facilities Districts”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

	Community Facilities		
Land Use Types	Public/Institutional	Private	Code References
<u>Marijuana Cultivation, Commercial</u>	<u>X</u>	<u>X</u>	<u>13.26.026</u>

Section 13.26.026 (“Commercial medical marijuana cultivation”) of Chapter 13.08 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

Sec. 13.26.026. - Commercial ~~medical~~-marijuana cultivation.

(a) *Legislative Purpose.* ~~Effective January 1, 2016, t~~The Medical Marijuana Regulation and Safety Act ("MMRSA") provides that, if a city does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, by March 1, 2016, then the State will be the "sole licensing authority" for medical marijuana cultivation in that city. (California Health & Safety Code § 11362.777(c)(4).) The City's permissive zoning regulations (set forth in Section 13.02.060 of the Laguna Woods Municipal Code) currently prohibit commercial ~~medical~~-marijuana cultivation in all of the City's zoning districts. As the City does not intend for the State to be the sole licensing authority for ~~medical~~-marijuana

cultivation in its jurisdiction, this section clarifies and supplements the City's existing land use regulations prohibiting commercial ~~medical~~-marijuana cultivation.

(b) *Exemption for ~~Medical~~ Marijuana Cultivation for Certain Use.* This section only applies to commercial ~~medical~~-marijuana cultivation. A medical marijuana cultivation activity that qualifies for the exemption set forth in subdivision (g) of Section 11362.777 of California Health and Safety Code or a personal marijuana cultivation activity that qualifies for the exemption set forth in subdivision (a) of Section 11362.1 of the California Health and Safety Code, as those statutes may be amended from time to time, ~~is~~ are ~~also~~ exempt from this section. This exemption does not limit or prevent the City from regulating or prohibiting indoor and outdoor ~~medical~~-marijuana cultivation (including cultivation for personal use) that is not being conducted in accordance with State and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters, or from adopting, amending, or replacing local laws for the same.

(c) *Definitions.* All definitions set forth in Section 13.16.025 of this Title 13, as amended from time to time, shall apply under this section. ~~Unless otherwise specified, any and all definitions set forth in the Compassionate Use Act of 1996 (codified at California Health and Safety Code § 11362.5), Medical Marijuana Program Act (codified at California Health and Safety Code § 11362.7 et seq.) and MMRSA (codified at California Business and Professions Code § 19300 et seq.), as those statutes are amended from time to time or replaced with a successor statute, shall apply to this section in addition to the definitions set forth as follows:~~

~~(05)—Cultivation or cultivate shall have the same meaning as set forth in subdivision (l) of Section 19300.5 of the California Business and Professions Code, as may be amended from time to time.~~

~~(10)—Commercial cultivation shall mean any cultivation activity that does not qualify for the exemption set forth in subdivision (g) of Section 11362.777 of the California Health and Safety Code, as may be amended from time to time.~~

~~(15)—Medical marijuana shall mean "medical cannabis," as that term is defined in subdivision (ag) of Section 19300.5 of the California~~

~~Business and Professions Code, as may be amended from time to time.~~

~~(20) Primary caregiver shall have the same meaning as set forth in subdivision (d) of Section 11362.7 of the California Health and Safety Code, as may be amended from time to time.~~

~~(25) Qualified patient shall have the same meaning as set forth in subdivision (f) of Section 11362.7 of the California Health and Safety Code, as may be amended from time to time.~~

(d) *Prohibition.* Commercial ~~medical~~ marijuana cultivation is expressly prohibited in all zoning districts throughout the City, regardless of whether the marijuana is used for medical or non-medical purposes. A State license for the cultivation of ~~medical~~ marijuana does not entitle the licensee to engage in commercial ~~medical~~ marijuana cultivation within City limits.

(e) *Public Nuisance.* Commercial ~~medical~~ marijuana cultivation within City limits shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure § 731 or any other remedy available at law.

(f) *Civil Penalties.* In addition to any other enforcement permitted by this section, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this section. In any civil action that is brought pursuant to this section, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

8.2

**MAYORS NATIONAL CLIMATE ACTION
AGENDA (AGENDIZED BY MAYOR HORNE)**

This page is intentionally blank.

RESOLUTION NO. 17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, JOINING THE MAYORS NATIONAL CLIMATE ACTION AGENDA (ALSO KNOWN AS THE CLIMATE MAYORS NETWORK) AND SUPPORTING RELATED CLIMATE AND GREENHOUSE GAS EMISSIONS REDUCTION EFFORTS

WHEREAS, consensus exists among the world’s leading climate scientists that global warming caused by greenhouse gas (“GHG”) emissions from human activities is among the most significant problems facing the world today; and

WHEREAS, climate change exposures with the potential to impact Laguna Woods include, but are not limited to, increases in average temperatures, extreme heat, heatwaves, wildfires, extreme storms, and flooding, as well as decreases in precipitation, changes in wind speed and types, and strained water supplies; and

WHEREAS, in 2014, the City adopted a Climate Adaptation Plan a prepare for a future with evolving and potentially varying climate conditions; and

WHEREAS, in 2015, the City amended its General Plan Conservation Element to, in part, summarize the findings of a local GHG emissions inventory and formalize a goal of reducing local GHG emissions; and

WHEREAS, Assembly Bill 32 (2006) (the “California Global Warming Solutions Act of 2006”) requires the State of California to reduce its GHG emissions to 1990 levels by 2020; and

WHEREAS, the Mayors National Climate Action Agenda (also known as the “Climate Mayors Network”) is a network of more than 300 United States mayors, representing over 65 million Americans, committed to strengthening local efforts for reducing GHG emissions and supporting efforts for binding federal and global-level policy making; and

WHEREAS, the Mayors National Climate Action Agenda also supports adopting, honoring, and upholding the goals of the Paris Climate Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City hereby joins and supports, in principle, the Mayors National Climate Action Agenda (also known as the “Climate Mayors Network”).

SECTION 2. This resolution shall not bind the City to any particular policy action nor result in any financial obligations or commitments.

SECTION 3. The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 17-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2017, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk