

**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
September 26, 2018
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

Mayor Moore 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: Hatch, Horne, Rainey, Conners, Moore
 ABSENT: -

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

III. PLEDGE OF ALLEGIANCE

John Li, Chinese American Club of Laguna Woods Village, led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Chinese American Club of Laguna Woods Village – 20th Anniversary

Councilmembers made comments.

John Li, President, Chinese American Club, made comments.

Several members of the Chinese American Club made comments.

Moved by Councilmember Hatch, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to approve and present the commendation.

Mayor Moore called for a brief recess.

The meeting was called back to order at 2:13 p.m.

4.2 World Alzheimer’s Awareness Month – September 2018

Councilmembers made comments.

Moved by Councilmember Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to approve and present the proclamation.

V. PUBLIC COMMENT

Dennis Walsh, Saddleback Valley Unified School District Board Member, commented on the upcoming Saddleback Valley Unified School District election and candidates’ forum.

Councilmembers briefly responded to Mr. Walsh’s comments.

Judith Troutman, resident, thanked the taxpayers in Laguna Woods who contribute to the school district as her son attended high school when she first moved to Laguna Woods.

City Attorney Cosgrove introduced an intern with his firm.

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Conners, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.6.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on August 15, 2018.

6.2 City Treasurer’s Report

Received and filed the City Treasurer’s Report for the month of August 2018.

6.3 Warrant Register

Approved the warrant register dated September 26, 2018 in the amount of \$791,130.35.

6.4 Fiscal Year 2017-19 Budget Adjustments

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND 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, RELATED TO APPROPRIATIONS FOR THE

GENERAL FUND AND CAPITAL PROJECTS FUND FOR MATTERS
RELATED TO TRAFFIC SIGNAL MAINTENANCE AND THE EL
TORO ROAD TRAFFIC SIGNAL SYNCHRONIZATION PROJECT

6.5 Information Technology Services

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

6.6 City Hall Restroom Repair and Improvement Project

1. Approved the “City Hall Restroom Repair and Improvement Project” design plans and specifications as prepared by the project architect and design team.

AND

2. Authorized the City Manager to transfer \$65,000 from the “City Hall Refurbishment and Safety Project: Phase 1 (Construction)” budget to the “City Hall Restroom Repair and Improvement Project” budget in Fiscal Year 2018-19.

AND

3. Rejected the low bid received from K-Up Construction Company for the construction of the “City Hall Restroom Repair and Improvement Project” as non-responsive.

AND

4. Awarded a contract agreement to New Millennium Construction Services, Inc. for the construction of the “City Hall Restroom Repair and Improvement Project”, in the amount of \$290,890, 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.

VII. PUBLIC HEARINGS

- 7.1 Wireless Use Permit WUP-1230 to allow for the construction, installation, and maintenance of a wireless facility at 24141 Moulton Parkway, Laguna Woods, CA 92637

City Manager Macon made a presentation and noted that a representative of the applicant, James Rogers, is present to answer questions. He noted that staff recommends the following modifications to the proposed conditions of approval that were included in the agenda packet (Exhibit A to Attachment A):

1. *Condition of Approval #10 – modified to read as follows (additions underlined):*

“This approval may be modified or revoked by the City Council, after applicable notice and public hearing procedures have been satisfied, should it be determined that the conditions under which the project has been operated or maintained is detrimental to the public health, safety or welfare, or materially injurious to property or animals in the vicinity, within the City’s jurisdictional authority; or if the project is operated or maintained so as to constitute a public nuisance, or if the project is operated or maintained in violation of any of the conditions of approval set forth herein, or for any other reason permitted by law.”

2. *Condition of Approval #12 – modified to read as follows (additions underlined):*

“Termination: Upon approval, this wireless use permit shall become null and void 180 days after such time the approved use at the approved location ceases to be operated as noted by lapse of City business license, lapse of California State Board of Equalization permit, or date noted by city official with proper site verification of abandonment or discontinuance. This wireless use permit shall be deemed immediately terminated should the approved location be occupied by a use not in accord with this approval, subject to written notice to the Property Owner(s) with 10 days to cure.”

City Attorney Cosgrove recommended that Condition of Approval #10 be modified to read as follows (additions underlined):

“This approval may be modified or revoked by the City Council, after applicable notice and public hearing procedures have been satisfied, should it be determined, within the City’s jurisdictional authority, that the conditions under which the project has been operated or maintained is detrimental to the public health, safety or welfare, or materially injurious to property or animals in the vicinity, or if the project is operated or maintained so as to constitute a public nuisance, or if the project is operated or maintained in violation of any of the conditions of approval set forth herein, or for any other reason permitted by law.”

City Manager Macon concurred with City Attorney Cosgrove’s recommendation.

Mayor Moore opened the public hearing.

James Rogers, on behalf of the applicant, provided information on the project and the need for an additional wireless facility. He requested that Condition of Approval #8 be modified to read as follows (additions underlined): “*Graffiti on the wireless facility shall be removed at the Applicant(s)/Owner(s)’ expense within 24 hours of notification.*”

City Attorney Cosgrove stated that staff would not support that modification as it would place responsibility on the City to identify and then provide notification of graffiti on the wireless facility. He noted that the language proposed by staff is the City’s standard.

Mr. Rogers requested that Condition of Approval #9 be modified to include the following

language:

“The Reservoirs are secured properties. The City may access the Reservoirs, but only with prior notice and scheduling with the El Toro Water District. The Access Phone Number to call is 949-837-7050 for all access requests. Standard notice for access is 24 hours in advance, except in the event of an emergency. “After hours” (i.e. an emergency) requests will be responded to immediately.”

City Attorney Cosgrove stated that staff would not support that modification due to its specificity and, instead, recommended that Condition of Approval #9 be modified to read as follows (additions underlined):

“City staff, or their authorized representatives, shall have the right to access and enter the wireless facility to make reasonable, Owner-authorized scheduled or unscheduled inspections to observe and enforce compliance with the criteria set forth herein.”

Kathryn Freshley, resident, asked who would be responsible for removing the wireless tower in the future.

City Manager Macon responded that the City was not involved in discussions between the applicant and property owner regarding such arrangements.

Judith Troutman, resident, spoke in support of the proposed wireless facility.

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

Councilmembers discussed the item and Mr. Rogers and staff answered related questions.

Moved by Councilmember Hatch, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to adopt a resolution, with the modifications recommended by staff to conditions of approval 9, 10, and 12, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING WIRELESS USE PERMIT WUP-1230 TO ALLOW FOR THE CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF A WIRELESS FACILITY AT 24141 MOULTON PARKWAY, LAGUNA WOODS, CA 92637

VIII. CITY COUNCIL BUSINESS

8.1 United States House of Representatives Resolution 2 (H.R.2), the Agriculture Improvement act of 2018

City Manager Macon introduced the item.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to authorize the Mayor to cause to be prepared, prepare, and submit correspondence opposing any provision of United States House of Representatives Resolution 2 (H.R.2), the Agriculture Improvement Act of 2018, that could preempt local control or authorities related to pesticide regulation.

8.2 Unfunded Retirement Liability

City Manager Macon made a presentation.

Dennis Walsh, member of the public, commented on the California Public Employees' Retirement System's (CalPERS) discount rates.

Councilmembers and staff briefly responded to Mr. Walsh's comments.

Kathryn Freshley, resident, expressed her support for the recommended action.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND 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, RELATED TO LUMP SUM PAYMENTS TO PAY OFF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) PROJECTED UNFUNDED ACCURED LIABILITY, AND MAKING RELATED AUTHORIZATIONS

8.3 Employee Compensation and Benefits

City Manager Macon made a presentation. He noted that staff recommends the following modifications to the proposed restated flexible benefits plan document that was included in the agenda packet (Exhibit A to Attachment B):

1. *Page 22, last line of Schedule A, "Maximum Level of Coverage" cell – modified to read as follows (deletions struck-through, additions underlined):*

~~“Up to \$250~~

For full-time Employees hired before January 1, 2019, up to \$500

For full-time Employees hired on or after January 1, 2019, \$0”

Kathryn Freshley, resident, asked if employees are able to carryover vacation hours.

City Manager Macon stated that employees are able to accrue 480 hours of paid time off.

Dennis Walsh, member of the public, expressed his support for the recommended actions.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to:

1. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 18-23 AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

AND

2. Adopt a resolution, with the modification recommended by staff to Schedule A of Exhibit A, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AND ADOPTING A RESTATED INTERNAL REVENUE CODE SECTION 125 FLEXIBLE BENEFITS PLAN FOR CITY EMPLOYEES AND TAKING OTHER ACTIONS RELATED TO THE ADMINISTRATION, OPERATION, AND MAINTENANCE OF THE FLEXIBLE BENEFITS PLAN

8.4 General Miscellaneous Streets, Highways, and Public Places Regulations

City Manager Macon made a presentation.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to approve the second reading and adoption of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING SECTION 9.02.030 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE RUNNING OF WATER UPON AND ALONG THE SIDE OF HIGHWAYS AND RIGHTS-OF-WAY THEREOF

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

Mayor Pro Tem Conners provided a report.

9.2 Orange County Fire Authority

Councilmember Hatch provided a report.

9.3 Orange County Library Advisory Board

Councilmember Rainey stated that there had been no meeting since the last meeting.

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne stated that she was not able to attend the most recent meeting due to her attendance at the California Joint Powers Insurance Authority's Risk Management Educational Forum.

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Pro Tem Conners provided a report.

9.6 South Orange County Watershed Management Area

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

9.7 Other Comments and Reports

- League of California Cities Annual Conference

Councilmember Horne, Councilmember Rainey, and Mayor Moore provided reports.

- California Joint Powers Insurance Authority Risk Management Educational Forum

Mayor Pro Tem Conners, Councilmember Rainey, and Mayor Moore provided reports.

- Other Comments and Reports

Councilmember Horne provided a report on a recent Orange County Transportation Authority Special Needs Advisory Committee meeting.

Councilmember Horne provided a report on Orange County Strategic Plan for Aging activities.

Councilmember Horne provided an update on the California Senior Legislature.

X. CLOSED SESSION

- 10.1 The City Council met in closed session under the authority of California Government Code Section 54957.6 to conference with the City's designated representatives (Cynthia Conners and Shari L. Horne) regarding terms of employment and compensation for the City Manager, unrepresented employee.

XI. CLOSED SESSION REPORT

The City Council reconvened in open session at 5:00 p.m. City Attorney Cosgrove stated there was no reportable action under California Government Code Section 54957.1.

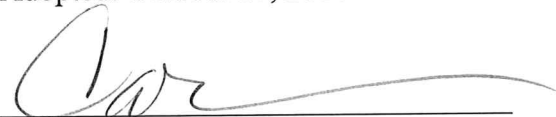
XII. ADJOURNMENT

The meeting was adjourned at 5:00 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, October 17, 2018, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.



YOLIE TRIPPY, Deputy City Clerk

Adopted: October 17, 2018



CAROL MOORE, Mayor