

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting
Wednesday, January 17, 2024
2:00 p.m.

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

Noel Hatch
Mayor

Shari L. Horne
Mayor Pro Tem

Cynthia Conners
Councilmember



Annie McCary
Councilmember

Carol Moore
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

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

Public Comments/Testimony: The City accepts public comments/testimony in-person and in writing. For more information, please refer to page three of this agenda.

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 meets regularly 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. 17-30, 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 sign up for email notifications, please visit www.cityoflagunawoods.org/email-notifications, 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, 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. 17-30, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.

/s/ Yolie Trippy
YOLIE TRIPPY, CMC, City Clerk

1/12/24
Date

OPTIONS FOR PUBLIC COMMENTS/TESTIMONY

1. In-Person

Members of the public wishing to address the City Council on items appearing on this agenda are advised to indicate their interest in doing so by submitting a speaker card to City staff or proceeding to the podium, one-by-one, at the time an item is considered.

Members of the public wishing to address the City Council on items *not* appearing on this agenda may do so during Item V.

Each speaker will have the opportunity to speak for up to three minutes once per agenda item, unless otherwise allowed by the City Council.

Speakers are requested, but not required, to identify themselves, both on speaker cards and in comments/testimony. Speakers are advised that their names and any information submitted on speaker cards or otherwise provided in writing to the City may be disclosed or become a matter of public record. No speaker should expect privacy of such information.

2. In Writing

Written public comments/testimony may be delivered to Laguna Woods City Hall (24264 El Toro Road, Laguna Woods, CA 92637) or sent via email (cityhall@cityoflagunawoods.org) provided that they are received by the City prior to 2:00 p.m. on the day of this meeting.

Written public comments/testimony will be provided to the City Council and included in the City Clerk's written record of this meeting.

Parties submitting written public comments/testimony are requested, but not required, to identify themselves. Parties are advised that their names, email addresses, and any information submitted in writing to the City may be disclosed or become a matter of public record. No party should expect privacy of such information.

STREAM THIS MEETING ONLINE

This meeting will be live streamed on Zoom (audio and/or video).

- Visit www.zoom.us
- Click on "Join" toward the top right of the webpage
- Enter the following meeting ID: 829 8613 7237
- Open the Zoom application following the on-screen prompts
- Enter the following meeting password: 352433
- Enter a name and email address as required by Zoom

Please note that information you enter into Zoom may be publicly visible and/or visible to the City. No party should expect privacy of such information.

I. CALL TO ORDER

Introductory Notes:

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II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

- 4.1 Presentation Regarding the Irradiation Sterile Insect Technique Project and Other Mosquito and Vector Issues – Orange County Mosquito and Vector Control District
(agendized by Mayor Pro Tem Horne)

Recommendation: Receive and file a presentation from the Orange County Mosquito and Vector Control District regarding the Irradiation Sterile Insect Technique Project and other mosquito and vector issues.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

About Public Comments on Non-Agenda Items: 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 ask clarifying questions of the speaker, engage in brief discussion, refer

items to City staff, and/or schedule items for consideration at future meetings.

VI. CITY TREASURER'S REPORT

6.1 City Treasurer's Report

Recommendation: Receive and file the City Treasurer's Report for the month of December 2023.

VII. 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 or City staff requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action. Members of the public may address the City Council on items appearing on the Consent Calendar regardless of whether an item is removed for separate discussion and consideration of action.

7.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the adjourned regular meeting on December 15, 2023 and the regular meeting on December 20, 2023.

7.2 Warrant Register

Recommendation: Approve the warrant register dated January 17, 2024 in the amount of \$740,294.40.

7.3 Employee Compensation and Benefits

Recommendation: Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 23-38 AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

7.4 City Hall/Public Library Project

Recommendation: Approve final record plans and specifications reflecting completion of the “City Hall/Public Library Project” as prepared by the project architect.

VIII. PUBLIC HEARINGS

8.1 Sidewalk Vending Regulations

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve the introduction and first reading of an ordinance – read by title with further reading waived – titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 6.44 TO TITLE 6 (BUSINESSES) OF THE LAGUNA WOODS MUNICIPAL CODE TO REGULATE SIDEWALK VENDORS IN COMPLIANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 51038 INCLUDING, BUT NOT LIMITED TO, BY ESTABLISHING RESTRICTIONS AND REQUIREMENTS DIRECTLY RELATED TO

OBJECTIVE HEALTH, SAFETY, OR WELFARE CONCERNS, AS WELL AS BY ESTABLISHING A PROHIBITION ON STATIONARY SIDEWALK VENDORS IN AREAS THAT ARE ZONED EXCLUSIVELY RESIDENTIAL, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

8.2 Street Racing and Excessive Vehicle Noise Regulations

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve the introduction and first reading of an ordinance – read by title with further reading waived – titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 8.06 OF TITLE 8 (TRAFFIC CONTROL) OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO VEHICLE, GOLF CART, LOW-SPEED VEHICLE, AND MOTORCYCLE RACING AND NOISE, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA

ENVIRONMENTAL QUALITY ACT

IX. CITY COUNCIL BUSINESS

9.1 Objective Design Standards

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 11.10.010, 11.10.020, 11.10.030, 11.10.050, 11.10.060, 11.10.100, 11.10.110, 11.10.120, AND 11.10.130 OF TITLE 11 (PLANNING AND DEVELOPMENT) OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OBJECTIVE DESIGN STANDARDS FOR CERTAIN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

X. CITY COUNCIL REPORTS AND COMMENTS

About City Council Reports and Comments: 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.

10.1 Coastal Greenbelt Authority

Councilmember McCary, First Alternate: Mayor Pro Tem Horne, Second Alternate: Councilmember Connors

10.2 Orange County Fire Authority

Mayor Hatch

10.3 Orange County Library Advisory Board

Councilmember Moore; Alternate: Councilmember McCary

- 10.4 Orange County Mosquito and Vector Control District
Mayor Pro Tem Horne
- 10.5 San Joaquin Hills Transportation Corridor Agency
Councilmember Conners; Alternate: Mayor Hatch
- 10.6 South Orange County Watershed Management Area
Councilmember Moore; Alternate: Mayor Pro Tem Horne
- 10.7 Liaisons to Community Bridge Builders
Mayor Pro Tem Horne and Councilmember McCary
- 10.8 Other Comments and Reports

XI. CLOSED SESSION

Closed Session Note: While members of the public are not permitted to attend closed session, prior to convening in closed session, the City Council will accept public comments on items appearing on the closed session agenda.

XII. CLOSED SESSION REPORT

XIII. ADJOURNMENT

Next Adjourned Regular Meeting: Wednesday, January 31, 2024 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

Next Regular Meeting: Wednesday, February 21, 2024 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

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4.1

**PRESENTATION REGARDING THE
IRRADIATION STERILE INSECT TECHNIQUE
PROJECT AND OTHER MOSQUITO AND
VECTOR ISSUES – ORANGE COUNTY
MOSQUITO AND VECTOR CONTROL DISTRICT
(AGENDIZED BY MAYOR PRO TEM HORNE)**

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OCMVCD Update: City of Laguna Woods

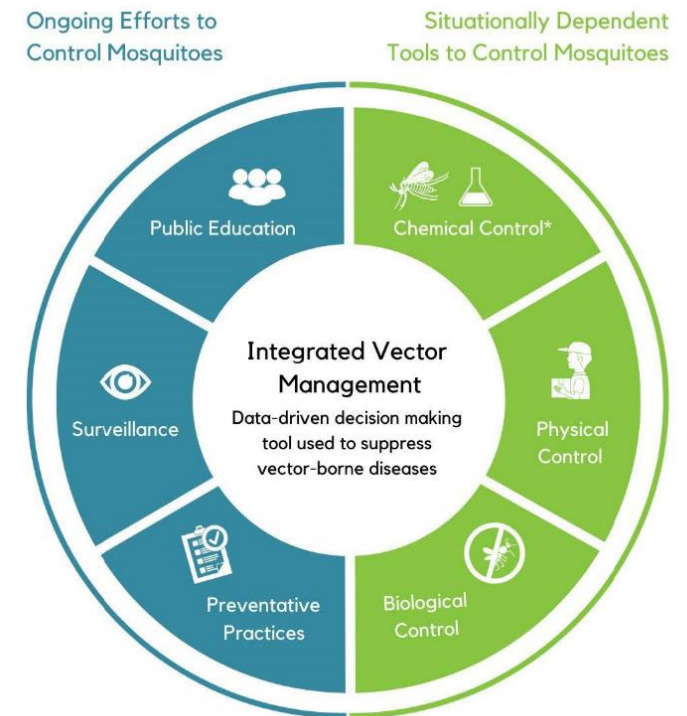
Orange County Mosquito and Vector Control District
Lora Young, District Manager

Scope and Governance

- Established in 1947 as the Orange County Mosquito Abatement District
 - Independent Special District governed by the California H&S Code
- Serves all of Orange County's 34 cities and unincorporated areas
 - 3.2 million residents
- Governed by a 35 member Board of Trustees
 - One City appointed representative from each city
 - One appointee from County
- Annual Budget of \$17M for FY23/24

How OCMVCD Controls of Mosquitoes Integrated Vector Management

- Education and outreach
- Mosquito Surveillance
- Source Reduction
- Control





Services We Provide

- **Education:** outreach events, presentations, literature, web, social media
- **Surveillance:** testing pathogens in mosquitoes, ticks, fleas, rodents, birds, and opossums
- **Control** of mosquitoes, RIFA, rats & filth flies
 - Source reduction - Eliminate breeding
 - Biological control - Mosquitofish
 - Chemical control - Larvicide, adulticide

Inspection and Control of Mosquitoes

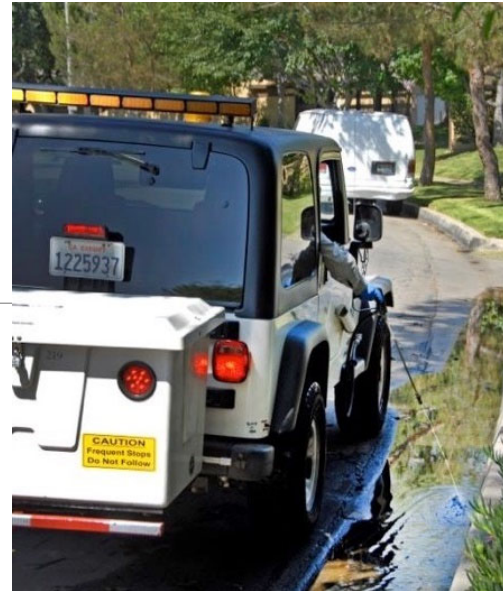
Maintain a database of known breeding sources:

Abandoned or unmaintained swimming pools

Gutters

Manholes and storm drains

Flood channels



Large Breeding Sources

Cemeteries



Poorly maintained BMP's



Drains/City Infrastructure



Nurseries



Marshes and Wetlands



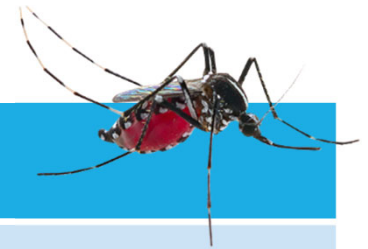


Residential Sources

- Identify new breeding sources through service requests and investigations
- Educating and controlling for through a shared responsibility with property owners
- Some residents are more engaged than others
- Some properties create ideal habitat for urban mosquitoes



Urban Mosquitoes

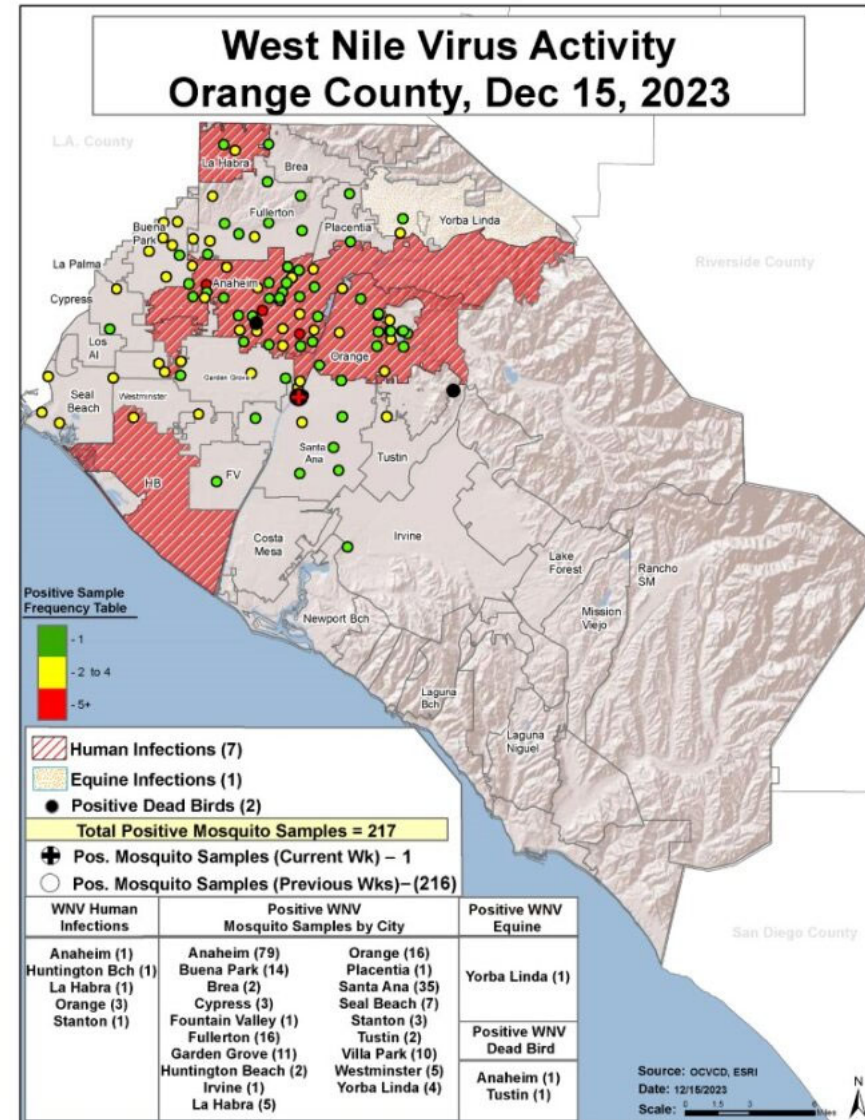
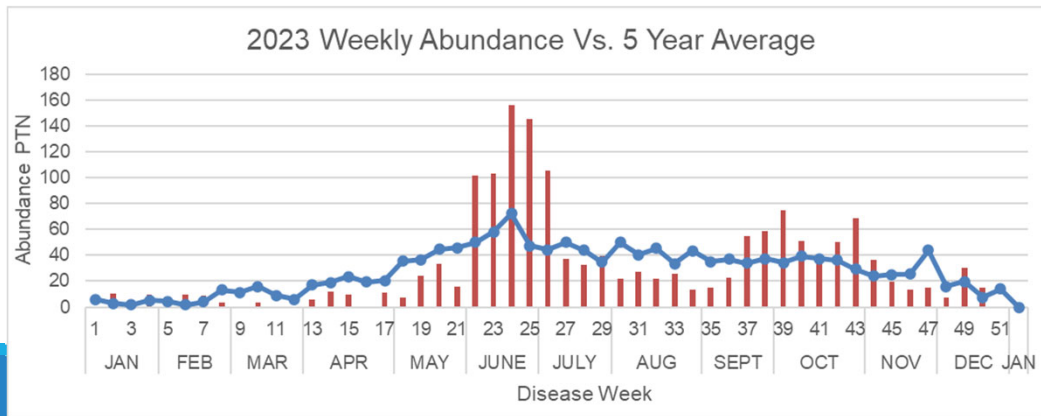


	<i>Culex</i>	<i>Aedes</i>
Breeding habits	Larger Sources	Backyard Sources
Biting habits	Bite at dusk and dawn, prefer birds	Bite during day, prefer mammals
Eggs	Eggs laid in rafts, require water	Individual eggs, viable for years in dry conditions
Breeding time	In as little as one week	In as little as one week
Where do they live	Outdoors	Indoor and Outdoors

West Nile Virus in OC

- Human Infections (7) *6 neuroinvasive, 1 asymptomatic*
 Anaheim (1), La Habra (1), Orange (3), Stanton (1), Huntington Beach (1)
- Positive Mosquito Samples (217)
- Positive Dead Birds (2)
- Positive Horses (1)

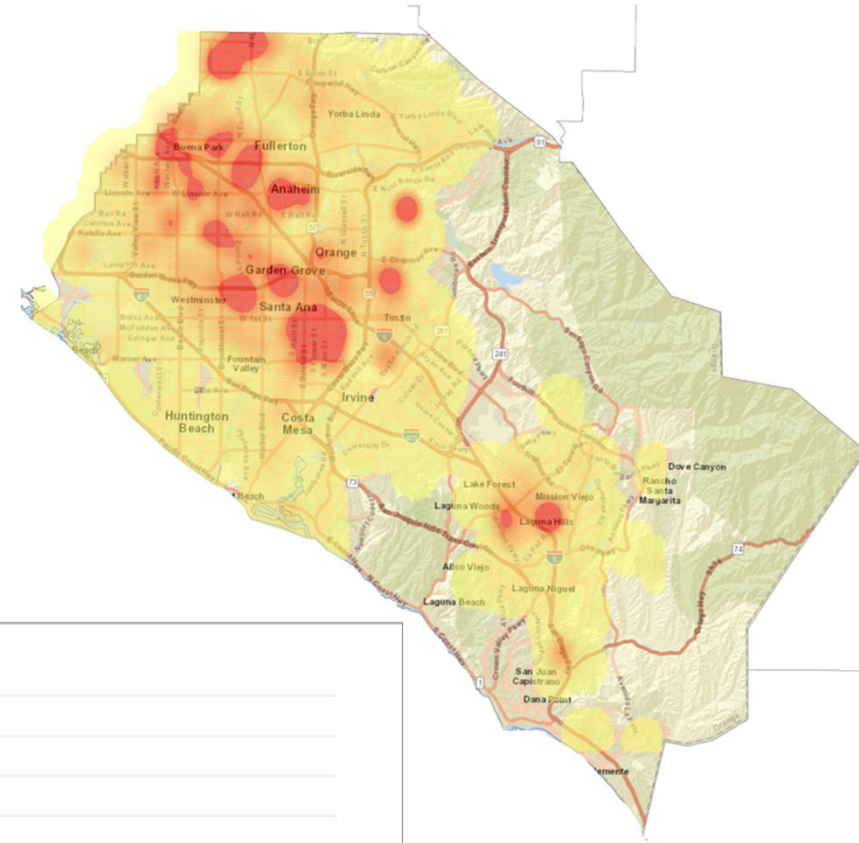
County-wide Average *Culex* Mosquito Abundance



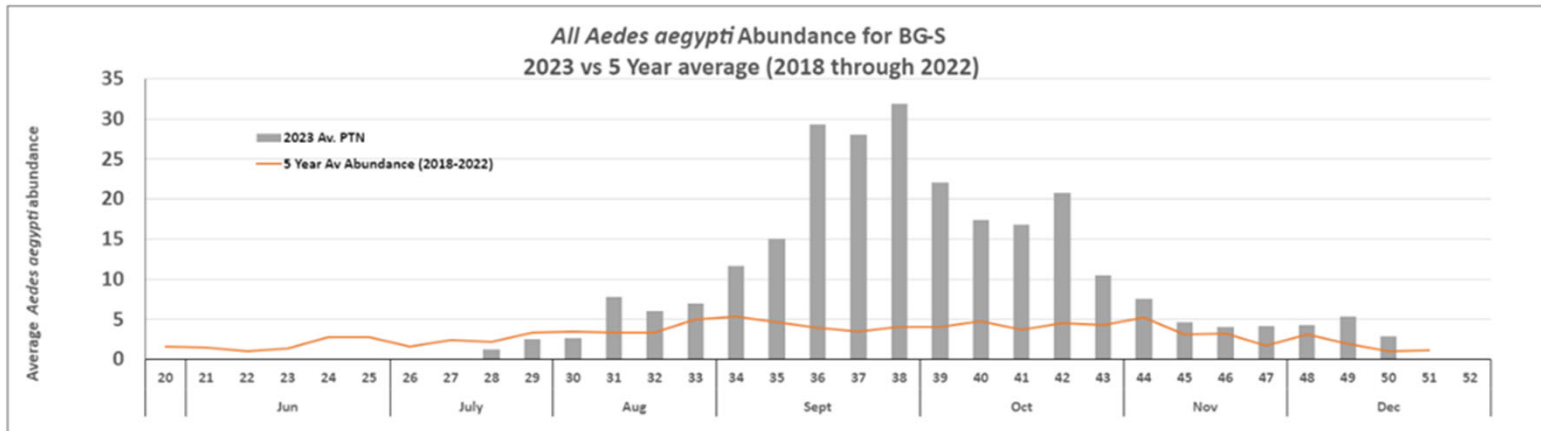
Invasive *Aedes* Mosquitoes

- Total Travel-related Dengue Cases (18)

Invasive *Aedes* Heat Map



County-wide Average *Aedes* Mosquito Abundance



Invasive *Aedes* Mosquitoes in California

Day-biting, black & white coloration, breed in small containers

Yellow Fever mosquito
Aedes aegypti

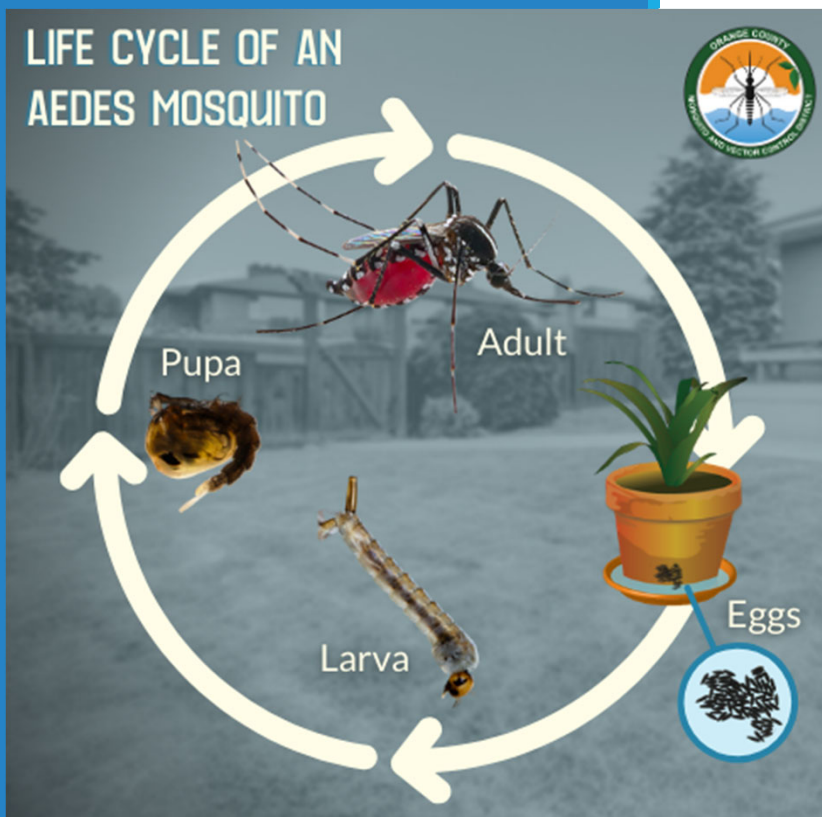


Asian Tiger mosquito
Aedes albopictus



Australian Backyard mosquito
Aedes notoscriptus



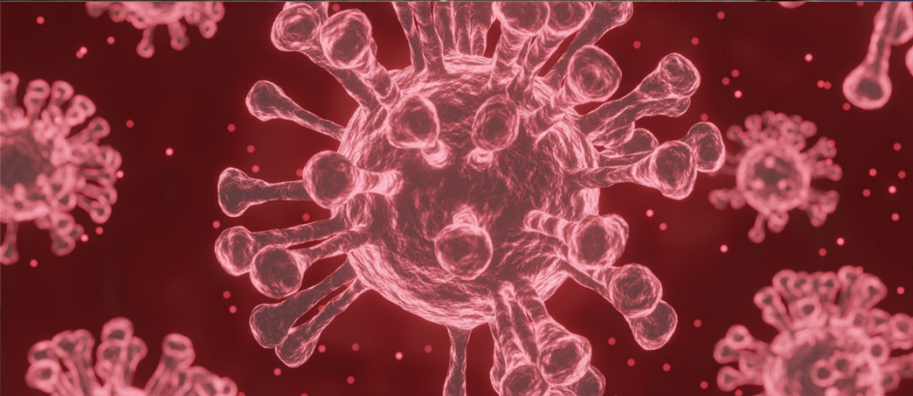


- Mosquitoes can complete their life cycle (from egg to adult) in about 5-7 days.
- Mosquitoes need stagnant water to go through their life cycle.
- Eggs can survive without water for several years and will hatch when water is present, and conditions are right.



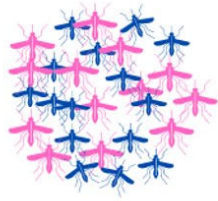
Changing Our Quality of Life

- Breeding in small back yard containers
- Biting during the day
- Prefer to bite people
- Potential diseases they can transmit

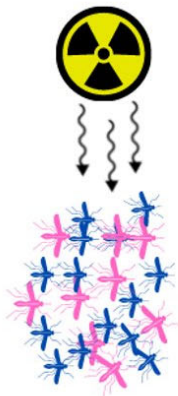


What is SIT?

Sterile Insect Technique: Irradiation



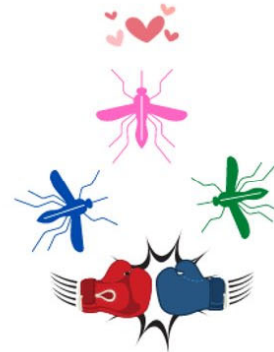
Mass-rearing of insects takes place in special facilities



Male and Female insects are separated. Ionizing radiation is used to sterilize the male insects



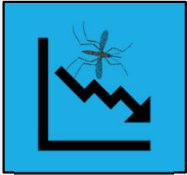
The sterile male insects are released over towns or cities



The sterile male mosquitoes compete with wild males to mate with females



These females lay eggs that are infertile and bear no offspring reducing the mosquito population

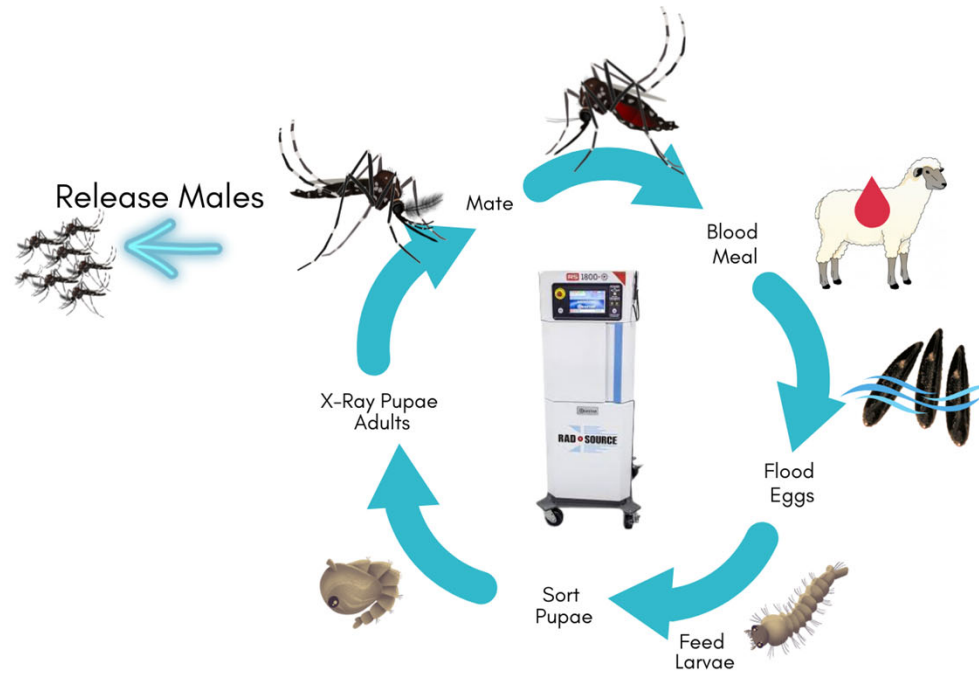


Using this specific SIT method would reduce the population of the invasive Aedes mosquito using an environmentally-sound method.



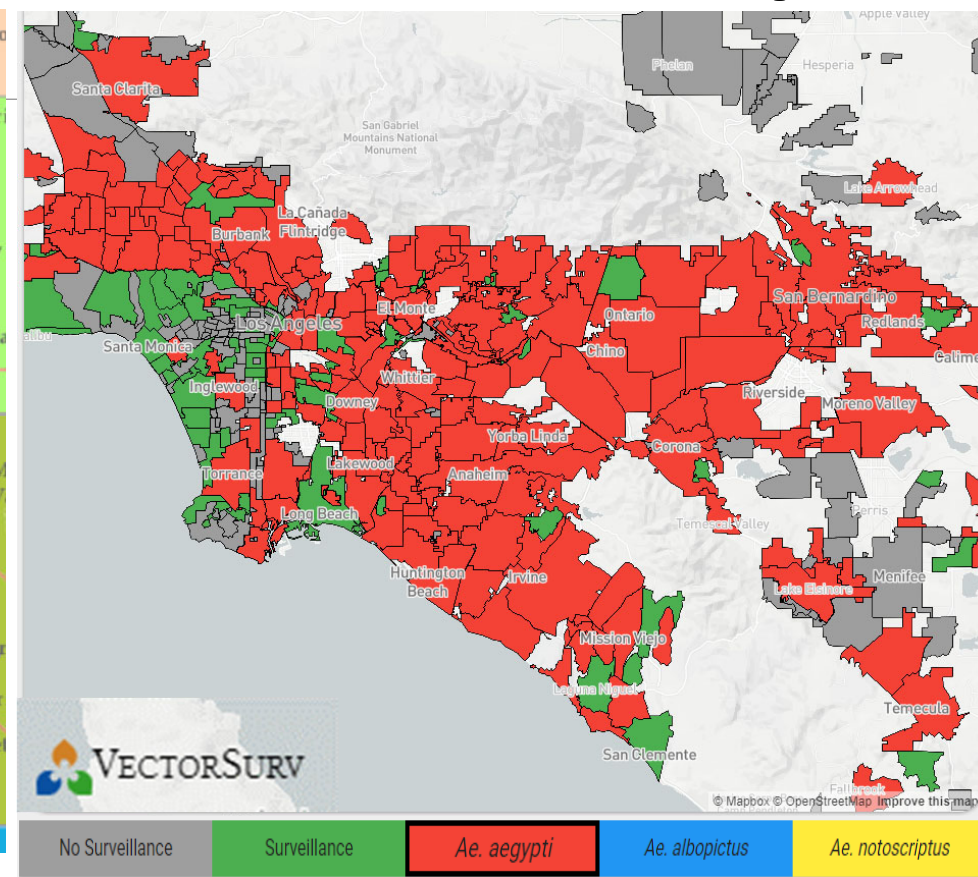
The SIT technique results in no offspring and a declining pest population, reducing the presence of the specific breed of virus-spreading mosquitoes.

The Benefits of SIT



Sterile Insect Technique: X-Ray Project

Southern California Sterile Insect Technique



SIT Pilot Project Advantages



NOW: SIT via irradiation is available to be implemented as soon as the mosquito colonies and equipment are available, no long regulatory process



NEW TOOLS: Find new tools to address invasive mosquitoes in the community and reduce the risk of mosquito-borne diseases



PROVEN: This method is proven in other insects/pests and more evidence is showing it works for *Aedes* mosquitoes



CONTROL: In-house allows us to augment production for specific geographic ecology and service areas. Explore and refine techniques at a much faster pace, test other species, affords flexibility

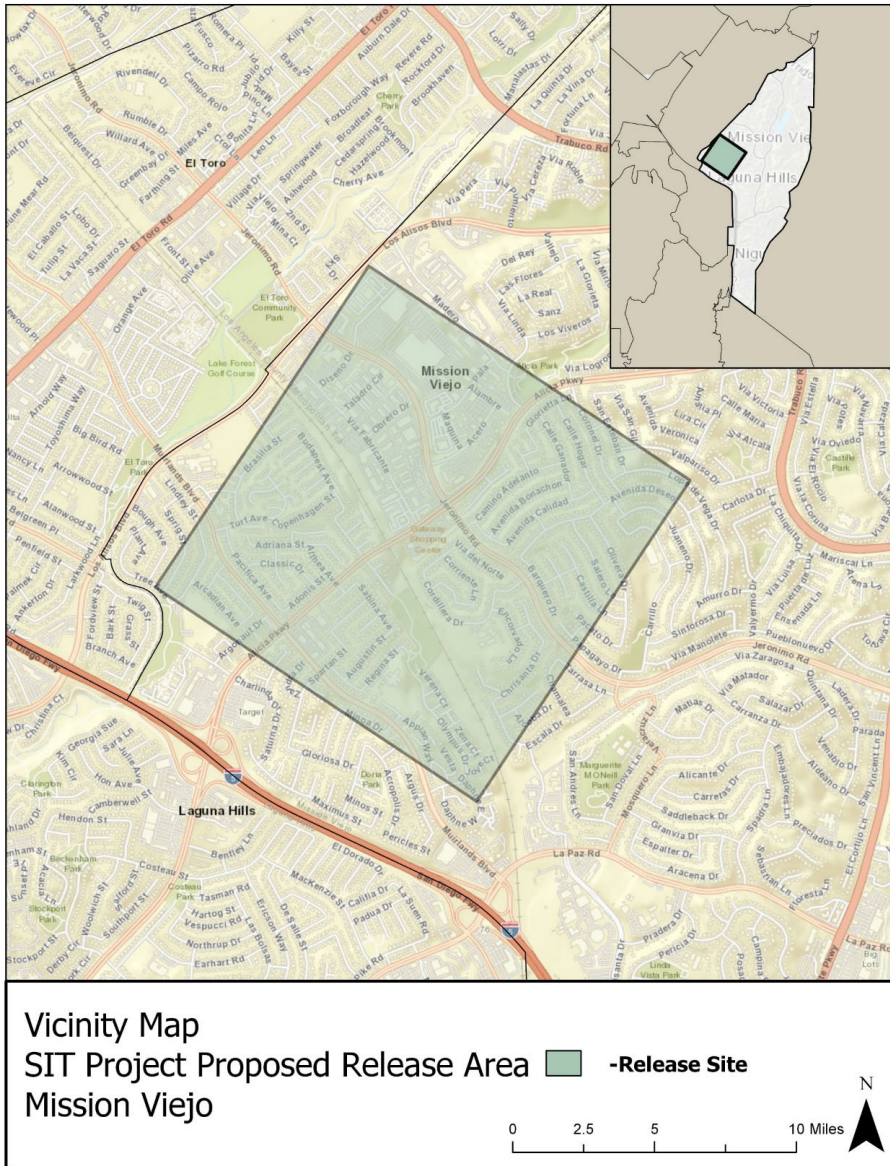
Why SIT in Mission Viejo?

1. Mission Viejo has high historical service requests for *Aedes aegypti* and the three times the average mosquito counts compared to any other city traps.
2. The treatment and control site were selected within the city based on highest trap counts and their proximity to dispersal barriers (i.e. freeways, roadways, train tracks etc).

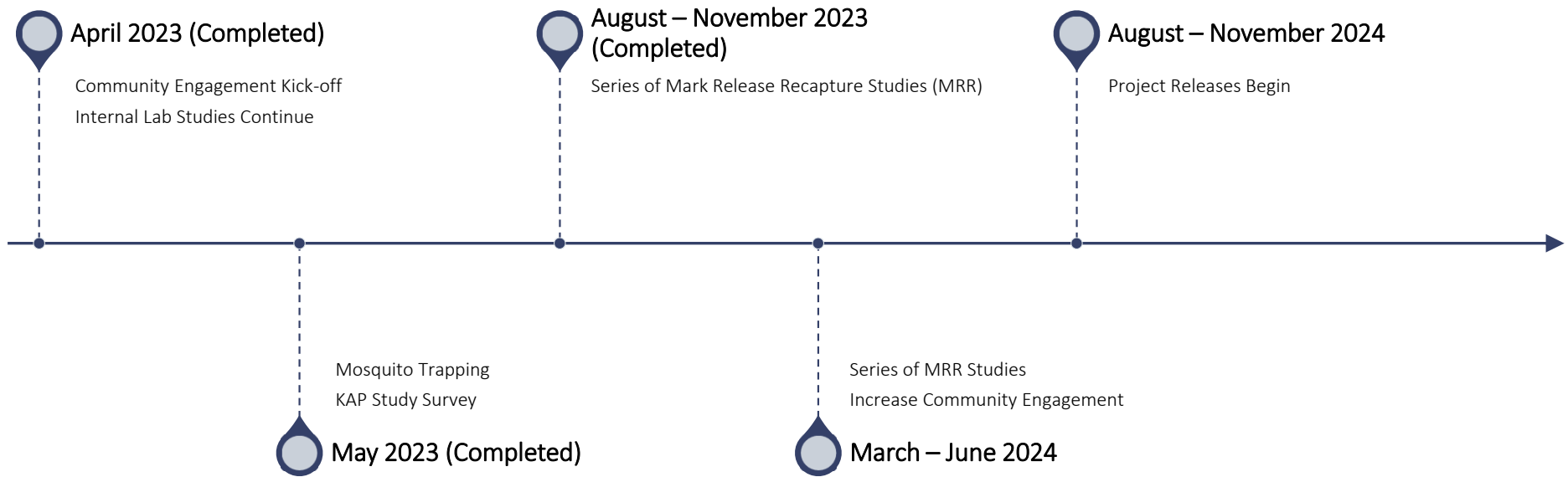


SIT Project site in Mission Viejo

- Alicia Pkwy & Muirlands Blvd
- Release area will be 0.25 square mile



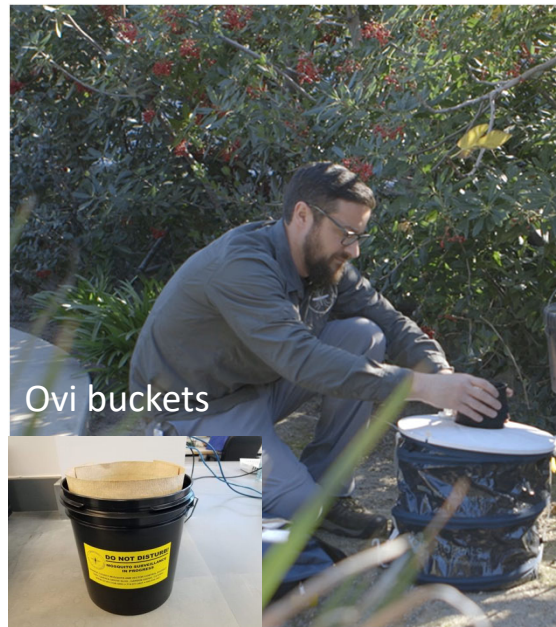
Projected Project Timeline 2023 -2024



Outreach Pop-up Events



Surveillance Trapping



Increased OCMVCD Staff in Area



What Will Residents See?
Increased Surveillance, Staff and Outreach

Releasing male mosquitoes



Male mosquitoes don't bite



Staff collecting mosquitoes



What Will Residents See in Release Areas?
Increase in non-biting male mosquitoes

Questions?

Lora Young

Lyoung@ocvector.org



6.1
CITY TREASURER'S REPORT

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City of Laguna Woods
City Treasurer's Report
 For the Month Ended December 31, 2023

ITEM 6.1

CASH AND INVESTMENTS

	Beginning Balances As of 11/30/23	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 12/31/23	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 1)	\$ 607,746	\$ 637,991	\$ (789,603)	\$ 240,000	\$ 696,134	5.28%	
Cash Balances, Multi-Bank Securities (MBS) Account (Note 2 and 4)	\$ 18,670	\$ 19,890	\$ (28,686)	\$ -	\$ 9,875	0.07%	
Earned Interest in Transit and Accrued Interest, MBS Account (Note 4)	\$ 20,226	\$ 16,761	\$ (19,890)	\$ -	\$ 17,096	0.13%	
Petty Cash	\$ 781	\$ 19	\$ -	\$ -	\$ 800	0.01%	
Laguna Woods Civic Support Fund Checking Account	\$ 46,496	\$ 0.19	\$ -	\$ -	\$ 46,496	0.35%	
Total Cash and Cash Equivalents	\$ 693,919	\$ 674,661	\$ (838,179)	\$ 240,000	\$ 770,401	5.85%	100.00%
Pooled Money Investment Accounts							
Local Agency Investment Fund (LAIF - fair value) (Notes 2 and 3)	\$ 795,901	\$ -	\$ -	\$ -	\$ 795,901	6.04%	
Orange County Investment Pool (OCIP - fair value) (Notes 2 and 3)	\$ 6,505,268	\$ 24,720	\$ (272)	\$ -	\$ 6,529,717	49.54%	
Total Pooled Money Investment Accounts	\$ 7,301,169	\$ 24,720	\$ (272)	\$ -	\$ 7,325,617	55.58%	90.00%
Investments - Interest and Income Bearing							
Certificates of Deposit - non-negotiable (fair value) (Note 2)	\$ 5,268,898	\$ -	\$ -	\$ (184,906)	\$ 5,083,992	38.57%	
Total Investments - Interest and Income Bearing	\$ 5,268,898	\$ -	\$ -	\$ (184,906)	\$ 5,083,992	38.57%	90.00%
TOTAL	\$ 13,263,986	\$ 699,381	\$ (838,451)	\$ 55,094	\$ 13,180,010	100.00%	

Summary of Total Cash, Cash Equivalents, and Investments:

	General Fund	Special Revenue Funds	Totals
Analyzed Checking Account	\$ (2,781,704)	\$ 3,477,838	\$ 696,134
Cash Balances, MBS Account	\$ 9,875	\$ -	\$ 9,875
Earned Interest in Transit and Accrued Interest, MBS Account	\$ 17,096	\$ -	\$ 17,096
Petty Cash	\$ 800	\$ -	\$ 800
LAIF	\$ 795,901	\$ -	\$ 795,901
OCIP	\$ 6,529,717	\$ -	\$ 6,529,717
Certificates of Deposit	\$ 5,083,992	\$ -	\$ 5,083,992
Laguna Woods Civic Support Fund Checking Account	\$ -	\$ 46,496	\$ 46,496
Totals	\$ 9,655,676	\$ 3,524,334	\$ 13,180,010

(See **NOTES** on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
For the Month Ended December 31, 2023

ITEM 6.1

CASH AND INVESTMENTS

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 4)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
91334AAM5	2023-3	UNITED HERITAGE CR	12 months	03/07/23	03/21/23	200,000	199,958	200,000	5.200	Monthly	03/31/23	Green***	5.200	03/21/24
949763ZA7	2019-1	WELLS FARGO BK N A	60 months	04/09/19	04/10/19	245,000	243,354	245,000	2.850	Monthly	05/10/19	Green*	2.850	04/10/24
38150VBG3	2022-2	GOLDMAN SACHS BK USA	24 months	05/24/22	06/01/22	245,000	242,697	245,000	2.900	Semi-Annual	12/01/22	Green*	2.900	06/03/24
89841MAV9	2023-11	TRUSTONE FINL CR UN	12 months	12/05/23	12/13/23	245,000	245,443	245,000	5.350	Monthly	01/13/24	Green***	5.350	12/12/24
98138MBA7	2022-8	WORKERS FED CR UN	24 months	12/09/22	12/16/22	245,000	244,520	245,000	4.950	Monthly	01/16/23	Yellow**	4.950	12/16/24
75472RBB6	2020-1	RAYMOND JAMES BK NATL ASSN	60 months	02/06/20	02/14/20	245,000	236,040	245,000	1.750	Semi-Annual	08/14/20	Green***	1.750	02/14/25
59013KGG9	2020-2	MERRICK BANK	60 months	03/24/20	03/31/20	100,000	96,050	100,000	1.800	Monthly	05/01/20	Green***	1.800	03/31/25
14042TGG6	2022-1	CAPITAL ONE BK USA NATL ASSN	36 months	05/24/22	05/25/22	245,000	238,701	245,000	3.100	Semi-Annual	11/25/22	Green*	3.100	05/27/25
75102EAP3	2023-6	RAIZ FED CR UN	24 months	05/17/23	05/24/23	245,000	245,157	245,000	5.050	Monthly	06/24/23	Yellow**	5.050	05/27/25
37424PAG9	2023-9	GESA CR UN	24 months	07/19/23	07/31/23	245,000	247,107	245,000	5.500	Monthly	08/31/23	Green***	5.500	07/31/25
130162BJ8	2023-12	CALIFORNIA CR UN	24 months	12/06/23	12/15/23	245,000	246,558	245,000	5.150	Semi-Annual	06/15/24	Green***	5.150	12/15/25
00782JAD4	2023-13	ADVIA CR UN	24 months	12/22/23	12/29/23	245,000	245,137	245,000	4.800	Semi-Annual	06/29/24	Green***	4.800	12/29/25
59524LAA4	2023-1	MID CAROLINA CR UN	36 months	03/07/23	03/13/23	200,000	200,782	200,000	4.850	Monthly	04/13/23	Green***	4.850	03/13/26
23204HNV6	2023-4	CUSTOMERS BK	36 months	03/30/23	03/31/23	245,000	245,902	245,000	5.000	Semi-Annual	09/30/23	Green**	5.000	03/31/26
87868YAQ6	2023-7	TECHNOLOGY CR UN	36 months	05/19/23	05/30/23	245,000	245,975	245,000	5.000	Monthly	07/01/23	Green***	5.000	05/29/26
32022RRG4	2022-4	1ST FINL BK USA	48 months	06/15/22	06/24/22	245,000	235,325	245,000	3.150	Monthly	07/24/22	Green*	3.150	06/24/26
2546733P9	2023-5	DISCOVER BK	48 months	03/30/23	04/05/23	245,000	244,544	245,000	4.800	Semi-Annual	10/05/23	Green***	4.800	04/05/27
50625LBN2	2022-3	LAFAYETTE FED CR	60 months	05/24/22	06/15/22	245,000	232,826	245,000	3.250	Monthly	07/15/22	Green***	3.250	06/15/27
14042RUX7	2022-5	CAPITAL ONE NATL ASSN	60 months	10/06/22	10/13/22	245,000	242,859	245,000	4.500	Semi-Annual	04/13/23	Green*	4.500	10/13/27
90355GCE4	2023-2	UBS BANK USA	60 months	03/07/23	03/08/23	200,000	199,732	200,000	4.600	Monthly	04/08/23	Green*	4.600	03/08/28
89854LAD5	2023-8	TTCU FED CR UN	60 months	07/19/23	07/26/23	245,000	250,049	245,000	5.000	Monthly	08/26/23	Green***	5.000	07/26/28
01882MAH5	2023-10	ALLIANT CR UN	60 months	11/07/23	11/15/23	245,000	255,275	245,000	5.350	Monthly	12/15/23	Green***	5.350	11/15/28
Accrued Interest - Month End							17,096							
Total CDs						5,110,000	5,101,088	5,110,000						

(*) CDs are ranked using the Veribanc Rating System, a two-part color code and star classification system which tests the present standing and future outlook by reviewing an institution's capital strength, asset quality, management ability, earnings sufficiency, liquidity, and sensitivity to market risk. The table below summarizes the Veribanc color rankings. Veribanc star ratings of one to three, with three being best, are used to help review a possible future trend of an institutions health based on metrics from ten prior quarters. A rating of one, two, or three, are not necessarily an indicator of risk or an undesirable investment. The City reviews other rating systems and issuer financials before choosing any investment.

Veribanc Rating System	
Veribanc Rank	Color Meaning
Green	Highest rating, exceeds qualifications in equity and income tests
Yellow	Merits attention, meets minimal qualifications in equity and income tests
Red	Merits close attention, does not meet minimal qualifications for equity and has incurred significant losses

Government Pooled Money Investment Accounts (PMIA) (Notes 2 and 3)

N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	815,569	795,901	815,569	Note 3	Quarterly	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	6,606,596	6,529,717	6,606,596	Note 3	Monthly	N/A	N/A	N/A	N/A
Total PMIA						7,422,165	7,325,617	7,422,165						

(See **NOTES** on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
For the Month Ended December 31, 2023

ITEM 6.1

CASH AND INVESTMENTS

	Beginning Balances As of 11/30/23	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 12/31/23
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (Note 2) <small>(CERBT holds all assets and administers the OPEB Trust)</small>	\$ 129,340	\$ -	\$ (10)	\$ 7,142	\$ 136,472
Employer Pension Contributions Trust					
CalPERS California Employers' Pension Prefunding Trust (CEPPT) (Note 2) <small>(CEPPT holds all assets and administers the Employer Pension Contributions Trust)</small>	\$ -	\$ -	\$ -	\$ -	\$ -
Total Other Funds - Held in Trust	<u>\$ 129,340</u>	<u>\$ -</u>	<u>\$ (10)</u>	<u>\$ 7,142</u>	<u>\$ 136,472</u>

(See **NOTES** on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
For the Month Ended December 31, 2023

CASH AND INVESTMENTS

Notes:

Note 1 - Analyzed Checking Account / Monthly activity reported does not reflect December 2023 vendor invoicing processed after the date of this report.

Note 2 - During December 2023, transaction activity in pooled money investment accounts, investment accounts and fiduciary trusts included:

LAIF / The City made no deposits to or withdrawals from the LAIF account. The balance includes an adjustment in the amount of (\$19,668.21) to reflect the fair market value of the investment at June 30, 2023.

OCIP / The City made no deposits to or withdrawals from the OCIP account. The balance includes an adjustment in the amount of (\$76,879.24) to reflect the fair market value of the investment at June 30, 2023.

Investments / Upon maturity of four Certificates of Deposit in December 2023, \$975,000 principal amount was received of which \$240,000 was deposited to the City's checking account. The remaining balance of \$735,000 was re-invested in three Certificates of Deposit, each in the amount of \$245,000: Trustone Financial Credit Union Certificate of Deposit for a 12 month term at a 5.350% yield rate, California Credit Union Certificate of Deposit for a 24 month term at a 5.150% yield rate, and Advia Credit Union Certificate of Deposit for a 24 month term at a 4.800% yield rate. Investments were adjusted in the amount of \$55,093.75 to report balances at fair market value as of December 31, 2023.

OPEB Trust / The City made no contributions to or withdrawals from the OPEB Trust. The OPEB Trust experienced a net gain of \$7,132.04 in December 2023.

Employer Pension Contributions Trust / In April 2021, the City elected to participate in the CEPPT. The City has not yet made contributions to the CEPPT.

Note 3 - Investment earnings on pooled money investment accounts deposited and reported in December 2023 net of related fees were:


Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Gross Yield	Current Month / Quarter Earnings Will Post	Notes
LAIF	Quarterly	\$0.00	See Notes	See Notes	January 2024	Total pool interest yield for December 2023 was 3.929% and the City's yield will be slightly lower based on allocation ratios and administrative fees to be deducted.
OCIP	Monthly	\$24,720.15	September 2023	See Notes	March 2024	Interest is posted three months in arrears and fees are posted monthly. Accrued interest pending payment at December 31, 2023 was \$73,094.19. December 31, 2023 interest rate was 4.398% and fees were 0.050%, for a net yield of 4.348%.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest of \$19,890.36 and transferred out \$28,685.58 in cash balances to the City's checking account in December 2023. Cash balances to be invested or paid out are classified separately on page 1 of 4. The City's portfolio also has \$17,096.48 in accrued interest, not yet vested.

City Treasurer's Certification

I, Elizabeth Torres, 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.

 Digitally signed by
 Elizabeth Torres
 Date: 2024.01.11
 18:58:29 -08'00'

Elizabeth Torres, City Treasurer

7.0
CONSENT CALENDAR SUMMARY

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: January 17, 2024 Regular Meeting

SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the January 17, 2024 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 January 17, 2024 Consent Calendar contains the following items:

- 7.1 Approval of the City Council meeting minutes for the adjourned regular meeting on December 15, 2023 (Attachment A) and the regular meeting on December 20, 2023 (Attachment B).
- 7.2 Approval of the warrant register dated January 17, 2024 in the amount of \$740,294.40. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at or from City Hall.
- 7.3 Adoption of a resolution repealing Resolution No. 23-38 and establishing a

compensation schedule and benefits for City employees. The proposed resolution (Attachment A) would correct an error in the existing employee compensation and benefits resolution (Resolution No. 23-38). On December 15, 2023, the City Council approved a job classification for a new Assistant to the City Manager position, but staff inadvertently omitted a compensation range for the position from Resolution No. 23-28. The proposed resolution would adopt a compensation range for the position in the same amounts as proposed on December 15, 2023. A redline showing proposed modifications to Resolution No. 23-38 is included as Attachment B.

- 7.4 Approval of final record plans and specifications reflecting completion of the “City Hall/Public Library Project” as prepared by the project architect (available for review at City Hall).

The “City Hall/Public Library Project” is included in the Fiscal Years 2023-34 Capital Improvement Program. Construction is now complete.

7.1
CITY COUNCIL MINUTES

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

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**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
December 15, 2023
3:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

Mayor Conners called the Adjourned Regular Meeting of the City Council of the City of Laguna Woods to order at 3:01 p.m.

II. ROLL CALL

COUNCILMEMBER: PRESENT: Horne, McCary, Hatch, Conners
 ABSENT: Moore (entered the meeting at 3:02 p.m.)

All councilmembers participated in-person at the meeting location.

STAFF PRESENT: City Manager Macon, City Attorney Patterson, City Clerk Trippy

All staff participated in-person at the meeting location.

III. PLEDGE OF ALLEGIANCE

Councilmember Horne led the pledge of allegiance.

Councilmember Moore entered the meeting at 3:02 p.m.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 City Hall/Public Library Project Update

 City Manager Macon provided an update.

V. PUBLIC COMMENTS ON NON-AGENDA ITEM – None

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.4.

6.1 City Council Minutes

Approved the City Council meeting minutes for the adjourned regular meeting on October 25, 2023 and the special meeting on November 13, 2023.

6.2 Fiscal Years 2023-25 Budget Adjustments

Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADJUSTING THE ASSIGNED RESERVE BALANCES FOR THE GENERAL FUND CONTINGENCY RESERVE FOR FISCAL YEAR 2023-24 AND FISCAL YEAR 2024-25

6.3 Measure M2 (OC Go) Expenditure Report.

Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AND CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2022-23 COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023

6.4 American with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7

Approved an increase of the City Manager’s authority to approve change orders for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7” from 10% of the \$81,075.00 base amount (\$8,107.50) to 25% of the base amount (\$20,268.75).

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL BUSINESS

8.1 El Toro Road Medians Improvement Project

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Kathryn Freshley, resident, asked about previous work on the medians.

City Manager Macon briefly responded to Ms. Freshley’s question.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember McCary, and carried

unanimously on a 5-0 vote, to direct the City Manager to replace the existing tulip trees in the design plans and specifications with carrotwood trees.

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

1. Approve the “El Toro Road Medians Improvement Project” design plans and specifications as prepared by the project engineer.

AND

2. Approve a notice of exemption for the “El Toro Road Medians Improvement Project” finding that the project is categorically exempt from the California Environmental Quality Act (CEQA) and authorize the City Manager to cause the notice of exemption to be filed pursuant to applicable law.

AND

3. Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND ADOPTING THE FISCAL YEARS 2023-25 BUDGET AND WORK PLAN FOR FISCAL YEAR 2023-24 COMMENCING JULY 1, 2023 AND ENDING JUNE 30, 2024, AND FISCAL YEAR 2024-25 COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025, RELATED TO ALLOCATION OF EXISTING FEDERAL GRANTS FUND (AMERICAN RESCUE PLAN ACT (CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS)) APPROPRIATIONS TO THE EL TORO ROAD MEDIANS IMPROVEMENT PROJECT (WESTBOUND EL TORO ROAD BETWEEN MOULTON PARKWAY TO CALLE SONORA)

AND

4. Award a contract agreement to Kormex Construction, Inc. for the construction of the “El Toro Road Medians Improvement Project” in the amount of \$119,647.00, plus authorized change orders not to exceed 10% of the base amount; and authorize 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.

as amended by the previous motion.

City Manager Macon answered questions.

8.2 Employee Positions, Compensation, and Benefits

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Horne, seconded by Councilmember Moore, and carried unanimously on a 5-0 vote, to:

1. Approve a job classification for the following new employee position: Assistant to the City Manager.

AND

2. Approve an amended job classification for the Development Administrator employee positions, including a title change to Development Manager.

AND

3. Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 23-20 AND RESOLUTION NO. 23-24, AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

AND

4. Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING THE AUTHORIZED CITY EMPLOYEE POSITIONS FOR FISCAL YEAR 2023-24 COMMENCING JULY 1, 2023 AND ENDING JUNE 30, 2024 AND FISCAL YEAR 2024-25 COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

No report

9.2 Orange County Fire Authority

No report

Councilmember Moore stated that she would like to include an item related to finance on the January 2024 City Council meeting agenda.

City Manager Macon stated that he would follow up with Councilmember Moore.

9.3 Orange County Library Advisory Board

No report

9.4 Orange County Mosquito and Vector Control District

No report

9.5 San Joaquin Hills Transportation Corridor Agency

No report

9.6 South Orange County Watershed Management Area

No report

9.7 Liaisons to Community Bridge Builders

Councilmember Horne provided a report.

9.8 Other Comments and Reports – None

X. CLOSED SESSION

Prior to convening in closed session, the City Council provided an opportunity for public comments on items appearing on the closed session agenda. No such public comments were received.

City Attorney Patterson introduced the closed session item.

10.1 The City Council met in closed session under the authority of California Government Code Section 54956.9(d)(4) and (e)(1) to confer with and receive advice from its legal counsel regarding the potential initiation of litigation in one case.

XI. CLOSED SESSION REPORT

A quorum of the City Council (Mayor Connors, Councilmember McCary, and Councilmember Moore) reconvened in open session at 4:33 p.m.

Councilmember Horne entered the meeting at 4:34 p.m.

City Attorney Patterson stated there was no reportable action.

Mayor Pro Tem Hatch entered the meeting at 4:34 p.m.

XII. ADJOURNMENT

The meeting was adjourned at 4:34 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, December 20, 2023, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, CMC, City Clerk

Approved: January 17, 2024

NOEL HATCH, Mayor

**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
December 20, 2023
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

Mayor Connors 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: Horne, McCary, Hatch, Connors
 ABSENT: Moore

All councilmembers participated in-person at the meeting location.

STAFF PRESENT: City Manager Macon, City Attorney Patterson, City Clerk Trippy

All staff participated in-person at the meeting location.

III. PLEDGE OF ALLEGIANCE

Councilmember McCary led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

Mayor Connors commented on City events and accomplishments over the past year.

Councilmember McCary briefly responded to Mayor Connors' comments.

Mayor Connors briefly responded to Councilmember McCary's comments.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Laurel Elting, resident, requested that the City waive a late building permit fee.

Mayor Connors asked Ms. Elting to discuss the matter with staff.

Ms. Elting briefly responded to councilmember questions.

Sarah Mendoza, representative from Congresswoman Kim’s Office, presented Mayor Conners with a certificate of appreciation for her service as mayor during the past year.

VI. CONSENT CALENDAR

Mayor Conners asked that Item 6.6 be pulled for separate discussion.

Moved by Councilmember Horne, seconded by Mayor Pro Tem Hatch, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to approve Consent Calendar items 6.1 – 6.5 and 6.7.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on November 15, 2023.

6.2 City Treasurer’s Report

Received and filed the City Treasurer’s Report for the month of November 2023.

6.3 Warrant Register

Approved the warrant register dated December 20, 2023 in the amount of \$903,306.76.

6.4 City Engineering and Traffic Operations Services

1. Waived the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding.

AND

2. Approved an extension of the agreement with NV5, Inc. for city engineering and traffic operations services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.5 American with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7

1. Approved final record plans and specifications reflecting completion of the “American with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7” as prepared by the project engineer.

AND

2. Approved the project completion of the contract agreement with Hardy & Harper, Inc. for the “American with Disabilities Act (ADA) Pedestrian Accessibility Improvement

Project: Phase 7” and authorized recordation of a notice of completion with the County of Orange.

AND

3. Authorize the release of the contract retention payment withheld per state law, and exonerate project posted bonds, for the “American with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7” 35 days following recordation of the notice of completion with the County of Orange, to the extent allowed by state law.
- 6.7 Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)
1. Approved final record plans and specifications reflecting completion of the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” as prepared by the project engineer.

AND

2. Accepted project completion of the contract agreement with Hardy & Harper, Inc. for the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” and authorized recordation of a notice of completion with the County of Orange.

AND

3. Authorize the release of the contract retention payment withheld per state law, and exonerate project posted bonds, for the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” 35 days following recordation of the notice of completion with the County of Orange, to the extent allowed by state law.

ITEMS PULLED FROM THE CONSENT CALENDAR

6.6 City Hall/Public Library Project

At Mayor Connors’ request, City Manager Macon made comments.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to:

1. Accept project completion of the contract agreement with iBuild Spectrum, Inc. for the “City Hall/Public Library Project” and authorize recordation of a notice of completion with County of Orange.

AND

2. Authorize the release of the contract retention payment withheld per state law, and exonerate project posted bonds, for the “City Hall/Public Library Project,” 35 days following recordation of the notice of completion with the County of Orange, to the extent allowed by state law.

VII. PUBLIC HEARINGS

7.1 Community Development Block Grant (CDBG) Public Facilities & Improvements Project Proposal

City Manager Macon made a presentation.

Mayor Conners 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 Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to:

1. Approve the submittal of a proposal to the County of Orange requesting \$150,000 in Community Development Block Grant (CDBG) funds under the Fiscal Year 2024-25 Public Facilities & Improvements grant program (County of Orange RFA # 012-24010605-NC) to support the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 8”, which generally consists of driveway and sidewalk improvements on Moulton Parkway.

AND

2. Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE SUBMITTAL OF A PROPOSAL TO THE COUNTY OF ORANGE FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, PROSPECTIVELY ACCEPTING THE AWARD OF SUCH CDBG FUNDS, MAKING RELATED AUTHORIZATIONS RELATED TO THE FISCAL YEAR 2024-25 PUBLIC FACILITIES & IMPROVEMENTS GRANT PROGRAM (COUNTY OF ORANGE RFA # 012-24010605-NC), AND DETERMINING AND CERTIFYING THAT THE SUBMITTAL OF A PROPOSAL AND ACCEPTANCE OF THE AWARD OF FUNDS IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

7.2 Objective Design Standards

City Manager Macon made a presentation and responded to a question from Mayor Conners.

Mayor Conners opened the public hearing.

Kathyn Freshley, resident, expressed her support for the proposed ordinance.

Mayor Conners briefly responded to Ms. Freshley’s testimony.

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

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to approve the introduction and first reading of an ordinance – read by title with further reading waived – titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 11.10.010, 11.10.020, 11.10.030, 11.10.050, 11.10.060, 11.10.100, 11.10.110, 11.10.120, AND 11.10.130 OF TITLE 11 (PLANNING AND DEVELOPMENT) OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OBJECTIVE DESIGN STANDARDS FOR CERTAIN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

VIII. CITY COUNCIL BUSINESS

8.1 Annual Comprehensive Financial Report

City Manager Macon introduced the item.

Eric Xin, Brown Armstrong Accountancy Corporation, made a presentation.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to receive and file the following documents, each dated November 22, 2023:

1. Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023

(Fiscal Year 2022-23)

AND

2. Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

AND

3. Independent Auditor’s Statements on Auditing Standards 114 Letter: The Auditor’s Communication with Those Charged with Governance

AND

4. Appropriations Limit Worksheet with Independent Accountant’s Report on Applying Agreed-Upon Procedures for the Fiscal Year Ended June 30, 2023

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

No report

9.2 Orange County Fire Authority

No report

9.3 Orange County Library Advisory Board

No report

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report.

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Connors provided a report.

9.6 South Orange County Watershed Management Area

No report

9.7 Liaisons to Community Bridge Builders

Councilmember Horne provided a report.

Councilmembers briefly responded to Councilmember Horne’s report.

9.8 Other Comments and Reports – None

Mayor Conners called for a brief recess at 3:07 p.m.

The meeting was called back to order at 3:14 p.m.

X. CITY COUNCIL BUSINESS

10.1 City Council Organization – Office of the Mayor

Mayor Conners introduced the item.

Mayor Pro Tem Hatch made comments.

Moved by Mayor Conners, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to appoint Noel Hatch to serve as Mayor effective immediately through December 2024.

10.2 City Council Organization – Office of the Mayor Pro Tem

Moved by Councilmember McCary, seconded by Councilmember Conners, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to appoint Shari Horne to serve as Mayor Pro Tem effective immediately through December 2024.

10.3 Ad Hoc Auditor Selection Committee

City Manager Macon introduced the item.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Horne, seconded by Councilmember McCary, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to appoint Councilmember Conners and Councilmember McCary to serve on an Ad Hoc Auditor Selection Committee from December 20, 2023 through March 20, 2024 to work with staff to prepare a request for proposals and then review, evaluate, and make recommendations to the City Council regarding proposals submitted by firms interested in providing annual audit services for fiscal years 2023-24, 2024-25, and 2025-26.

10.4 City Council Meeting Schedule

City Manager Macon introduced the item.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Horne, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to approve a new City Council meeting schedule for January 2024 through June 2025.

XI. CLOSED SESSION – None

XII. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

Councilmember Conners requested that the meeting be adjourned in memory of former mayor and councilmember Bob Ring, and commented on his life and service.

Mayor Hatch made comments regarding former mayor and councilmember Bob Ring.

The meeting was adjourned at 3:34 p.m. in memory of former mayor and councilmember Bob Ring. The next regular meeting will be at 2:00 p.m. on Wednesday, January 17, 2024, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, CMC, City Clerk

Approved: January 17, 2024

NOEL HATCH, Mayor

7.2 WARRANT REGISTER

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

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CITY OF LAGUNA WOODS
WARRANT REGISTER
January 17, 2024

ITEM 7.2

This Report Covers the Period 12/01/2023 through 12/31/2023

	Date	Vendor Name	Description	Amount
Debit		Automatic Bank Debits:		
Debit	12/04/2023	GLOBAL PAYMENTS / OPEN EDGE	Credit Card Processing Fees / November 2023	1,884.83
Debit	12/04/2023	AUTHORIZE.NET	Online Credit Card Processing Fees / November 2023	12.00
Debit	12/04/2023	DELTA DENTAL OF CALIFORNIA	Employee Benefit Program / December 2023	472.44
Debit	12/06/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 11/03/2023	2,778.01
Debit	12/06/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 11/03/2023	2,099.32
Debit	12/06/2023	ADP TAX	Payroll Taxes / Pay Period Ended 12/01/2023	7,589.02
Debit	12/06/2023	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 12/01/2023	18,478.19
Debit	12/07/2023	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / December 2023	358.85
Debit	12/08/2023	NAVIA BENEFIT SOLUTIONS	125 Cafeteria Plan Administration / November 2023	100.00
Debit	12/08/2023	MISSION SQUARE RETIREMENT	Employee Benefit Program / Pay Period Ended 12/01/2023	2,170.00
Debit	12/08/2023	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Periods Ended 11/03/2023 & 11/17/2023	438.66
Debit	12/11/2023	CALPERS - HEALTH	Employee Benefit Program / December 2023	7,846.79
Debit	12/14/2023	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / December 2023	1,519.68
Debit	12/14/2023	COUNTY OF ORANGE - SHERIFF	Law Enforcement Services / December 2023	253,453.70
Debit	12/19/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 11/17/2023	2,778.01
Debit	12/19/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 11/17/2023	2,145.03
Debit	12/20/2023	ADP TAX	Payroll Taxes / Pay Period Ended 12/15/2023	7,537.44
Debit	12/20/2023	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 12/15/2023	18,711.82
Debit	12/21/2023	MISSION SQUARE RETIREMENT	Employee Benefit Program / Pay Period Ended 12/15/2023	1,420.00
Debit	12/22/2023	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / December 2023	324.73
Debit	12/29/2023	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / December 2023	971.20
Check Number		Warrants:		
7159	12/08/2023	360CIVIC	Website Hosting / November 2023	200.00
7160	12/08/2023	AT&T	Telephone / 458-3487 / November 2023	64.09
7161	12/08/2023	EPIC IO TECHNOLOGIES, INC.	City Hall Internet Service / December 2023	201.45
7162	12/08/2023	IBUILD SPECTRUM INC.	City Hall/Public Library Project	36,230.95
7163	12/08/2023	JOHN L. HUNTER & ASSOCIATES, INC	Water Quality Services / September 2023	7,045.00
7164	12/08/2023	OBR ARCHITECTURE, INC.	City Hall/Public Library Project	6,700.00
7165	12/08/2023	PARK CONSULTING GROUP, INC	Software Consulting Services / November 2023	875.00
7166	12/08/2023	PETTY CASH	Replenish Petty Cash / November 2023	-
7167	12/08/2023	PSOMAS	Planning Services / June - September 2023	6,099.61
7168	12/08/2023	RINGCENTRAL, INC.	Telephone Services / December 2023	800.25
7169	12/08/2023	STAPLES	Office & Janitorial Supplies	256.18
7170	12/08/2023	TRIBEPI, SMITH AND ASSOCIATES, INC.	Broadcasting Services / November 2023	1,258.75
7171	12/08/2023	WM CURBSIDE, LLC	HHW & Sharps Program / November 2023	5,037.83
7172	12/15/2023	ABOUND FOOD CARE	Edible Food Recovery Program Services / November 2023	380.92
7173	12/15/2023	AETNA BEHAVIORAL HEALTH, LLC	Employee Benefit Program / January 2024	19.14
7174	12/15/2023	AT&T	Telephone / 583-1105 / November 2023	30.95
7175	12/15/2023	AT&T	White Pages / December 2023	4.28
7176	12/15/2023	AT&T	Telephone / 581-9821 / November 2023	71.53
7177	12/15/2023	COUNTY OF ORANGE	Automated Fingerprint ID System / December 2023	636.00
7178	12/15/2023	COUNTY OF ORANGE	Replacement for Check #7053 dated October 20, 2023 in the amount of \$42,061.49	-
7179	12/15/2023	GEOSYNTEC CONSULTANTS, INC	Engineering Services	3,493.50

CITY OF LAGUNA WOODS
WARRANT REGISTER
January 17, 2024

ITEM 7.2

This Report Covers the Period 12/01/2023 through 12/31/2023

Date	Vendor Name	Description	Amount
7180	12/15/2023 JOHN L. HUNTER & ASSOCIATES, INC	Water Quality Services / October 2023	2,782.50
7181	12/15/2023 KONE INC.	City Hall Elevator Maintenance / December 2023	232.31
7182	12/15/2023 LSA ASSOCIATES, INC.	Planning Services / October 2023	26.00
7183	12/15/2023 MARC DONOHUE	Administrative Services / December 2023	350.00
7184	12/15/2023 OMNI ENTERPRISE INC	Janitorial Services / November 2023	1,850.00
7185	12/15/2023 RUTAN & TUCKER, LLP	Legal Services / November 2023	14,435.52
7186	12/15/2023 SAFE AND SOUND SECURITY, INC.	Surveillance Camera Installation	6,324.50
7187	12/15/2023 SHARESQUARED, INC.	Document Tracking Project	5,365.00
7188	12/15/2023 SOUTHERN CALIFORNIA EDISON	Electric Services / October - November 2023	7,891.66
7189	12/15/2023 SOUTHERN CALIFORNIA EDISON	Replacement for Check #7128 dated November 21, 2023 in the amount of \$7,228.27	-
7190	12/15/2023 SOUTHERN CALIFORNIA GAS COMPANY	Gas Service - City Hall / November 2023	22.81
7191	12/15/2023 SOUTHERN CALIFORNIA SHREDDING,	HHW & Sharps Program / November 2023	420.00
7192	12/15/2023 VERIZON WIRELESS	Building iPads Data Plans / November 2023	120.03
7193	12/20/2023 BEAR ELECTRICAL SOLUTIONS, INC.	Traffic Signal Maintenance / November 2023	3,422.50
7194	12/20/2023 BOUTWELL FAY LLP	Legal Services / November 2023	212.50
7195	12/20/2023 BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / November 2023	1,445.10
7196	12/20/2023 BROWN ARMSTRONG ACCOUNTANCY CORPORATION	Audit Services / Fiscal Year 2022-23	3,000.00
7197	12/20/2023 CALIFORNIA YELLOW CAB	Taxi Services / November 2023	24,332.10
7198	12/20/2023 CHASE DESIGN, INC.	Website Maintenance / December 2023	1,500.00
7199	12/20/2023 COUNTY OF ORANGE	South Orange County Watershed Cost-Share / Fiscal Year 2023-24	6,821.87
7200	12/20/2023 EL TORO WATER DISTRICT	Water Service / October 2023	4,442.91
7201	12/20/2023 FUSCOE ENGINEERING, INC.	Engineering Services / November 2023	3,892.50
7202	12/20/2023 GOVERNMENT FORMS & SUPPLIES LLC	Office Supplies	386.68
7203	12/20/2023 HARDY & HARPER, INC	Pavement Management Project / Fiscal Year 2023-24	210,087.14
7204	12/20/2023 ITERIS, INC	Traffic Engineering / November 2023	3,432.00
7205	12/20/2023 MARQUE URGENT CARE	Employee Health Services	110.00
7206	12/20/2023 PRACTICAL DATA SOLUTIONS	IT Support Services / September - November 2023	15,444.93
7207	12/20/2023 PV MAINTENANCE INC	Street, City Hall & Park Maintenance / November 2023	9,645.94
7208	12/20/2023 RECREATION BRANDING SERVICES	Graphic Design Services	387.44
7209	12/20/2023 RICOH USA, INC.	Copier Lease / January 2024	246.57
7210	12/20/2023 RJM DESIGN GROUP	Landscape Architectural Services / November 2023	2,168.74
7211	12/20/2023 SMITH ARCHITECTS	City Hall Refurbishment & Safety Project: Phase 4	7,000.00
Total Bank Debits and Warrants:			\$ 740,294.40

TOTAL \$ 740,294.40

NOTES:
Note 1 - City Councilmembers are eligible to receive either a salary or vehicle reimbursement allowance in the amount of \$300 per month (\$3,600 per year). Such compensation is included in the City's regular payroll (see "ADP Payroll Services" under "Automatic Bank Debits"), unless waived by the Councilmember. For the month of December 2023, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne, and McCary.
Note 2 - Petty cash is reported as cash is paid out, not when the fund is replenished. There were no petty cash transactions for this period. The petty cash replenishment on December 8, 2023 was for November 2023 petty cash expenditures.
Note 3 - The petty cash expenditure paid out, as reported on the December 20, 2023 warrant register was incorrect. \$18.85 was paid to AIM Mail Center for printing services, not \$52.00.
Note 4 - No credit card transactions were paid during this time period.

**CITY OF LAGUNA WOODS
WARRANT REGISTER
January 17, 2024**

This Report Covers the Period 12/01/2023 through 12/31/2023

Administrative Services Director/City Treasurer's Certification

I, Elizabeth Torres, Administrative Services Director / City Treasurer, do hereby certify:

- In accordance with California Government Code Section 37202, I hereby certify to the accuracy of the demands on cash summarized within;
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months; and
- That the City is in compliance with California Government Code Section 27108.

 Digitally signed by
Elizabeth Torres
Date: 2024.01.11
19:09:15 -08'00'

Elizabeth Torres, Administrative Services Director/City Treasurer

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7.3 EMPLOYEE COMPENSATION AND BENEFITS

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

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RESOLUTION NO. 24-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 23-38 AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

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

SECTION 1. Effective January 17, 2024, Resolution No. 23-38 is hereby repealed.

SECTION 2. Compensation Schedule. The compensation schedule for City employees is established as follows:

Exempt Full-Time Employees (Annual Equivalent)

City Manager	\$204,310.06
Administrative Services Director/ City Treasurer	\$125,465.60 – \$175,656.00
Assistant to the City Manager	\$98,529.60 – \$137,945.60
City Clerk	\$84,385.60 – \$118,144.00
Conservation Administrator	\$84,385.60 – \$118,144.00
Development Manager	\$89,918.40 – \$125,881.60
Public Works Administrator	\$84,385.60 – \$118,144.00
Senior Management Analyst	\$84,385.60 – \$118,144.00
Management Analyst	\$72,883.20 – \$102,044.80
Deputy City Clerk	\$67,225.60 – \$94,120.00

Non-Exempt Full-Time Employees (Hourly Rate)

Senior Accountant	\$38.91 – \$54.47
Accountant	\$34.09 – \$47.73

Accounting Clerk	\$24.29 – \$34.00
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Non-Exempt Part-Time/Limited Part-Time Employees (Hourly Rate)

Receptionist	\$20.00 – \$28.00
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The City Manager is authorized to hire, promote, and compensate employees within established compensation ranges, to offer benefits, to fill any full-time position as a part-time or limited part-time position, and to hire employees for time-limited periods, consistent with City Council-adopted budgets and this resolution.

SECTION 3. Full-Time Employee Benefits. All employees who work 40 or more hours per week on a regularly assigned basis shall be considered “full-time employees” for the purpose of this resolution. Full-time employees shall receive the following benefits:

- A. Paid Holidays: The City shall observe the following holidays with full-time employees receiving eight hours of compensation for each weekday on which a holiday is observed: Martin Luther King Jr. Day, Presidents’ Day, Cesar Chavez Day, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, Friday after Thanksgiving, and Winter Holiday (December 24 through January 1; when December 24 falls on a Tuesday, Winter Holiday shall be observed beginning on December 23; when January 1 falls on a Sunday or Thursday, Winter Holiday shall be observed through January 2). Except for Winter Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed the on prior Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.
- B. Floating Holidays: The City shall provide each full-time employee with two floating holidays per calendar year, equivalent to 16 hours of pay credited the first pay period of each calendar year. Floating holidays are not accrued on a pro-rata basis throughout the calendar year. Full-time employees must be in paid status on regularly scheduled workdays before and after using floating holiday time. Floating holiday time shall be used in increments of eight hours.

Full-time employees may maintain a balance of no more than 16 hours of unused floating holiday time (Floating Holiday Accrual Limit) and shall not accrue additional floating holiday time when the Floating Holiday Accrual Limit has been reached. Upon separation from the City, full-time employees shall be compensated for the balance of their accrued floating holiday time.

- C. Retirement: All City employees, including full-time employees, are required to participate in the Social Security system. In addition, the City shall contract with the California Public Employees' Retirement System (CalPERS) for retirement benefits for all eligible full-time employees, unless excluded in the City's agreement with CalPERS. Full-time employees considered "classic" by CalPERS shall pay the 7% employee contribution pursuant to the terms of Resolution No. 12-18. Full-time employees considered "new members" by CalPERS shall pay the employee contribution rate established by CalPERS, as may change from time to time. The CalPERS plans have the following additional Class 1 Benefit Provisions: One Year Final Compensation (FAC 1) (classic employees only) and Increased Industrial Disability Retirement (IDR) Allowance to 75% of Compensation (75% IDR) (all employees).
- D. Retiree Medical: As required by, and in an amount established by California Government Code Section 22892, the City shall contribute toward CalPERS retiree health insurance for retiring full-time employees who meet the applicable statutory and CalPERS contract requirements to obtain CalPERS retiree medical benefits. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet applicable statutory and CalPERS contract requirements, with each 174 hours counting as one month.
- E. Monthly Benefit Allowance: The City shall provide each full-time employee with a monthly benefit allowance of \$1,200.00 per month through December 2024 and \$1,500.00 per month beginning January 2025. A portion of the allowance shall be allocated to pay for health insurance, as provided in this resolution. The remaining balance of the monthly benefit allowance may be allocated by the employee to elect benefits available through the City's Internal Revenue Code Section 125 Flexible Benefits Plan, in accordance with applicable plan documents. Any amount of the monthly benefit allowance that remains after the allocations described above shall be forfeited. Full-time employees shall be required to make elections for the annual calendar year use of the entirety of monthly benefit allowances during an enrollment/election period established by the City Manager, as may change from time to time. Modifications of annual calendar year elections following any enrollment/election period shall be limited to qualifying events as set forth in applicable plan documents.
- F. Health Insurance: All employees shall be covered by basic health insurance that qualifies as Minimum Essential Coverage under California law. The City

shall contract for health insurance through CalPERS; enrollment in a CalPERS health plan shall be mandatory for all full-time employees unless proof of coverage under a qualifying, alternate non-individual market basic health insurance plan is provided. The cost of enrollment in a CalPERS health plan shall be deducted first from each full-time employee's monthly benefit allowance and then from salary (if necessary).

- G. Flexible Benefits Plan: The City shall contract for the provision of an Internal Revenue Code Section 125 Flexible Benefits Plan; enrollment in the plan shall be voluntary for all full-time employees. Full-time employees may contribute to the plan by electing to allocate a portion of their monthly benefit allowance and/or through a salary reduction at their sole expense.
- H. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all full-time employees. Full-time employees may contribute to the plan through a salary reduction at their sole expense.
- I. Paid Time Off: Full-time employees shall accrue 160 hours per calendar year of annual paid time off (leave), which may be used for doctors' appointments, personal and family sick time, bereavement leave, jury duty leave, vacation, and personal business. Hours earned are accrued on a pro-rata basis by pay period.

Full-time employees may maintain a balance of no more than 480 hours of paid time off (Leave Accrual Limit) and shall cease to accrue additional paid time off when the Leave Accrual Limit has been reached. When a full-time employee's balance of paid time off falls below the Leave Accrual Limit, accrual shall resume beginning with the first pay period following the pay period in which the balance of paid time off fell below the Leave Accrual Limit. Upon separation from the City, full-time employees shall be compensated for the balance of their accrued paid time off.

- J. Paid Bereavement Leave: Full-time employees shall be eligible for a total of up to 40 hours per 12-month period of paid bereavement leave in the event of any death in the immediate family or reproductive loss event. For the purpose of this provision, "immediate family" includes spouse, registered domestic partner, mother, stepmother, father, stepfather, brother, stepbrother, sister, stepsister, child, stepchild, grandparent, stepgrandparent, grandchild, and stepgrandchild of the full-time employee or the full-time employee's spouse

or registered domestic partner. For the purpose of this provision, “reproductive loss event” shall have the meaning set forth in California Government Code 12945.6.

- K. Paid Court Leave: While California Government Code Section 1230 does not require the City to grant full-time employees paid leaves of absence to appear as a witness in court other than as a litigant, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the full-time employee, full-time employees shall be eligible for a total of up to 80 hours per 12-month period of paid court leave for those purposes when proof of such obligation is provided and proof of any amounts received for jury and/or witness fees is provided (if applicable). During paid court leave, full-time employees shall (i) be paid the amount of the difference between his/her/their regular earnings and any amounts received for jury and/or witness fees, and (ii) be responsive to the City’s telephone and other communications when not precluded by the purposes for which paid court leave is granted.

SECTION 4. Part-Time Employee Benefits. All employees who are not full-time employees, but who work 20 or more hours per week on a regularly assigned basis, shall be considered “part-time employees” for the purpose of this resolution. Part-time employees shall receive the following benefits:

- A. Paid and Unpaid Holidays: The City shall observe the following holidays with part-time employees receiving eight hours of compensation for each weekday on which a holiday is observed: New Year’s Day, Martin Luther King Jr. Day, Presidents’ Day, Cesar Chavez Day, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, and Friday after Thanksgiving. The City shall also observe the following unpaid holidays: Winter Holiday (December 24 through January 1; when December 24 falls on a Tuesday, Winter Holiday shall be observed beginning on December 23; when January 1 falls on a Sunday or Thursday, Winter Holiday shall be observed through January 2). Except for Winter Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed on the prior Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.
- B. Floating Holidays: The City shall provide each part-time employee with two floating holidays per calendar year, equivalent to 16 hours of pay credited the first pay period of each calendar year. Floating holidays are not accrued on a

pro-rata basis throughout the calendar year. Part-time employees must be in paid status on regularly scheduled workdays before and after using floating holiday time. Floating holiday time shall be used in increments of eight hours and only between December 24 and 31.

Part-time employees may maintain a balance of no more than 16 hours of unused floating holiday time (Floating Holiday Accrual Limit) and shall not accrue additional floating holiday time when the Floating Holiday Accrual Limit has been reached. Upon separation from the City, part-time employees shall be compensated for the balance of their accrued floating holiday time. The use of floating holiday time need not correspond to a part-time employee's hours regularly worked.

- C. Retirement: All City employees, including part-time employees, are required to participate in the Social Security system. Part-time employees who work 1,000 hours or more in a fiscal year, shall be eligible for membership in CalPERS for retirement benefits, unless excluded in the City's agreement with CalPERS. Eligible part-time employees considered "classic" by CalPERS shall pay the 7% employee contribution pursuant to the terms of Resolution No. 12-18. Eligible part-time employees considered "new members" by CalPERS shall pay the employee contribution rate established by CalPERS, as may change from time to time. The CalPERS plans have the following additional Class 1 Benefit Provisions: One Year Final Compensation (FAC 1) (classic employees only) and Increased Industrial Disability Retirement (IDR) Allowance to 75% of Compensation (75% IDR) (all employees).
- D. Retiree Medical: As required by, and in an amount established by California Government Code Section 22892, the City shall contribute toward CalPERS retiree health insurance for retiring full-time employees who meet the applicable statutory and CalPERS contract requirements to obtain CalPERS retiree medical benefits. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet applicable statutory and CalPERS contract requirements, with each 174 hours counting as one month.
- E. Monthly Benefit Allowance: The City shall provide part-time employees with a monthly benefit allowance of \$960.00 per month through December 2024 and \$1,200.00 per month beginning January 2025. A portion of the allowance shall be allocated to pay for health insurance, as provided in this resolution. The remaining balance of the monthly benefit allowance may be allocated by

the employee to elect benefits available through the City’s Internal Revenue Code Section 125 Flexible Benefits Plan, in accordance with applicable plan documents. Any amount of the monthly benefit allowance that remains after the allocations described above shall be forfeited. Part-time employees shall be required to make elections for the annual calendar year use of the entirety of monthly benefit allowances during an enrollment/election period established by the City Manager, as may change from time to time. Modifications of annual calendar year elections following any enrollment/election period shall be limited to qualifying events as set forth in applicable plan documents.

- F. Health Insurance: All employees shall be covered by basic health insurance that qualifies as Minimum Essential Coverage under California law. The City shall contract for health insurance through CalPERS; enrollment in a CalPERS health plan shall be mandatory for all part-time employees unless proof of coverage under a qualifying, alternate non-individual market basic health insurance plan is provided. The cost of enrollment in a CalPERS health plan shall be deducted first from each part-time employee’s monthly benefit allowance and then from salary (if necessary).
- G. Flexible Benefits Plan: The City shall contract for the provision of an Internal Revenue Code Section 125 Flexible Benefits Plan; enrollment in the plan shall be voluntary for all part-time employees. Part-time employees may contribute to the plan through a salary reduction at their sole expense and/or by electing to allocate a portion of their monthly benefit allowance, if provided.
- H. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all part-time employees. Part-time employees may contribute to the plan through a salary reduction at their sole expense.
- I. Paid Time Off: Part-time employees shall accrue 160 hours per calendar year of annual paid time off (leave), which shall be pro-rated based on the number of hours regularly worked less than 40 hours per week. Paid time off may be used for doctors’ appointments, personal and family sick time, bereavement leave, jury duty leave, vacation, and personal business. Paid time off may also be used up to the number of hours regularly worked during unpaid holidays that fall on weekdays (less any floating holiday time used). Hours earned are accrued on a pro-rata basis by pay period.

Part-time employees may maintain a balance of no more than 300 hours of paid time off (Leave Accrual Limit) and shall cease to accrue additional paid time off when the Leave Accrual Limit has been reached. When a part-time employee's balance of paid time off falls below the Leave Accrual Limit, accrual shall resume beginning with the first pay period following the pay period in which the balance of paid time off fell below the Leave Accrual Limit. Upon separation from the City, part-time employees shall be compensated for the balance of their accrued paid time off.

- J. Paid Bereavement Leave: Part-time employees shall be eligible for a total of up to 40 hours per 12-month period of paid bereavement leave in the event of any death in the immediate family or reproductive loss event. For the purpose of this provision, "immediate family" includes spouse, registered domestic partner, mother, stepmother, father, stepfather, brother, stepbrother, sister, stepsister, child, stepchild, grandparent, stepgrandparent, grandchild, and stepgrandchild of the part-time employee or the part-time employee's spouse or registered domestic partner. For the purpose of this provision, "reproductive loss event" shall have the meaning set forth in California Government Code 12945.6.
- K. Paid Court Leave: While California Government Code Section 1230 does not require the City to grant part-time employees paid leaves of absence to appear as a witness in court other than as a litigant, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the part-time employee, part-time employees shall be eligible for a total of up to 64 hours per 12-month period of paid court leave for those purposes when proof of such obligation is provided and proof of any amounts received for jury and/or witness fees is provided (if applicable). During paid court leave, part-time employees shall (i) be paid the amount of the difference between his/her/their regular earnings and any amounts received for jury and/or witness fees, and (ii) be responsive to the City's telephone and other communications when not precluded by the purposes for which paid court leave is granted.

SECTION 5. Limited Part-Time Employee Benefits. All employees who work less than 20 hours per week on a regularly assigned basis shall be considered "limited part-time employees" for the purpose of this resolution. Limited part-time employees shall receive the following benefits:

- A. Retirement: All City employees, including limited part-time employees, are

required to participate in the Social Security system.

- B. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all limited part-time employees. Limited part-time employees may contribute to the plan through a salary reduction at their sole expense.
- C. Paid Time Off: On the 90th calendar day of employment, and every January 1 thereafter, limited part-time employees shall accrue 40 hours of annual paid time off (leave), which may be used for personal illness, to care for a sick family member, for preventive care or diagnosis, care or treatment of an existing health condition, or for specified purposes if the limited part-time employee is a victim of domestic violence, sexual assault, or stalking. Paid time off must be used in a minimum increment of two hours per calendar day. There is no accrual or carryover of paid time off between or across calendar years. Upon termination from the City, limited part-time employees shall not be compensated for the balance of their paid time off. If a limited part-time employee separates from and is rehired by the City within one year, previously accrued and unused paid time off shall be reinstated.

SECTION 6. Employee Assistance Program. The City shall contract for an employee assistance program to provide voluntary, confidential assistance to employees in working through various life challenges that may adversely affect job performance, health, and personal well-being in order to optimize the City's success. All full-time, part-time, and limited part-time employees shall be enrolled in the employee assistance program with the cost of enrollment paid by the City.

SECTION 7. Technology Allowances. The City Manager is authorized to offer technology allowances of either (i) \$25.00 per employee per month to employees who are regularly required to use their personal cellular telephone as part of the City's multi-factor authentication and cyber security protocols, with the exception of the City Manager, or (ii) \$79.50 per employee per month to employees who are regularly required to use their personal cellular telephones, personal computers, and/or other personal technology to conduct City business, with the exception of the City Manager. Such technology allowances shall be added to employee compensation and shall be paid in the first pay period of each month, subject to any applicable wage withholding or similar taxes. Employees must be in paid status on regularly scheduled workdays during the first pay period of each month in order to receive payment.

SECTION 8. Notary Public Stipends. The City Manager is authorized to offer notary public stipends of \$100.00 per employee per month to employees who regularly provide notary public and foreign pension acknowledgement services in the course of City business, with the exception of the City Manager. Such notary public stipends shall be added to employee compensation and shall be paid in the first pay period of each month, subject to any applicable wage withholding or similar taxes. Employees must be in paid status on regularly scheduled workdays during the first pay period of each month, and in possession of an active and valid notary public commission from the State of California as of the payroll processing date for the first pay period of each month, in order to receive payment. The City Manager is also authorized to incur and pay, on behalf of the City, costs related to the education and commission of employees who regularly provide notary public services in the course of City business, with the exception of the City Manager.

SECTION 9. City Manager’s Compensation and Benefits. The City Manager shall receive such other compensation and benefits as set forth in the employment agreement separately approved by the City Council on May 17, 2023.

SECTION 10. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2024.

NOEL HATCH, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 24-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 2024, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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RESOLUTION NO. 24-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. ~~23-20 AND RESOLUTION NO. 23-24,23-38~~ AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

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

SECTION 1. Effective ~~December 15, 2023~~January 17, 2024, Resolution No. ~~23-24~~23-38 is hereby repealed.

~~**SECTION 2.** Effective January 1, 2024, Resolution No. 23-20 is hereby repealed and replaced by this resolution.~~

SECTION 32. Compensation Schedule. The compensation schedule for City employees is established as follows:

Exempt Full-Time Employees (Annual Equivalent)

City Manager	\$204,310.06
Administrative Services Director/ City Treasurer	\$125,465.60 – \$175,656.00
<u>Assistant to the City Manager</u>	<u>\$98,529.60 – \$137,945.60</u>
City Clerk	\$84,385.60 – \$118,144.00
Conservation Administrator	\$84,385.60 – \$118,144.00
Development Manager	\$89,918.40 – \$125,881.60
Public Works Administrator	\$84,385.60 – \$118,144.00
Senior Management Analyst	\$84,385.60 – \$118,144.00
Management Analyst	\$72,883.20 – \$102,044.80
Deputy City Clerk	\$67,225.60 – \$94,120.00

Non-Exempt Full-Time Employees (Hourly Rate)

Senior Accountant	\$38.91 – \$54.47
Accountant	\$34.09 – \$47.73
Accounting Clerk	\$24.29 – \$34.00

Non-Exempt Part-Time/Limited Part-Time Employees (Hourly Rate)

Receptionist	\$20.00 – \$28.00
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The City Manager is authorized to hire, promote, and compensate employees within established compensation ranges, to offer benefits, to fill any full-time position as a part-time or limited part-time position, and to hire employees for time-limited periods, consistent with City Council-adopted budgets and this resolution.

SECTION 43. Full-Time Employee Benefits. All employees who work 40 or more hours per week on a regularly assigned basis shall be considered “full-time employees” for the purpose of this resolution. Full-time employees shall receive the following benefits:

- A. Paid Holidays: The City shall observe the following holidays with full-time employees receiving eight hours of compensation for each weekday on which a holiday is observed: Martin Luther King Jr. Day, Presidents’ Day, Cesar Chavez Day, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, Friday after Thanksgiving, and Winter Holiday (December 24 through January 1; when December 24 falls on a Tuesday, Winter Holiday shall be observed beginning on December 23; when January 1 falls on a Sunday or Thursday, Winter Holiday shall be observed through January 2). Except for Winter Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed the on prior Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.
- B. Floating Holidays: The City shall provide each full-time employee with two floating holidays per calendar year, equivalent to 16 hours of pay credited the first pay period of each calendar year. Floating holidays are not accrued on a pro-rata basis throughout the calendar year. Full-time employees must be in paid status on regularly scheduled workdays before and after using floating holiday time. Floating holiday time shall be used in increments of eight hours.

Full-time employees may maintain a balance of no more than 16 hours of unused floating holiday time (Floating Holiday Accrual Limit) and shall not accrue additional floating holiday time when the Floating Holiday Accrual Limit has been reached. Upon separation from the City, full-time employees shall be compensated for the balance of their accrued floating holiday time.

- C. Retirement: All City employees, including full-time employees, are required to participate in the Social Security system. In addition, the City shall contract with the California Public Employees' Retirement System (CalPERS) for retirement benefits for all eligible full-time employees, unless excluded in the City's agreement with CalPERS. Full-time employees considered "classic" by CalPERS shall pay the 7% employee contribution pursuant to the terms of Resolution No. 12-18. Full-time employees considered "new members" by CalPERS shall pay the employee contribution rate established by CalPERS, as may change from time to time. The CalPERS plans have the following additional Class 1 Benefit Provisions: One Year Final Compensation (FAC 1) (classic employees only) and Increased Industrial Disability Retirement (IDR) Allowance to 75% of Compensation (75% IDR) (all employees).
- D. Retiree Medical: As required by, and in an amount established by California Government Code Section 22892, the City shall contribute toward CalPERS retiree health insurance for retiring full-time employees who meet the applicable statutory and CalPERS contract requirements to obtain CalPERS retiree medical benefits. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet applicable statutory and CalPERS contract requirements, with each 174 hours counting as one month.
- E. Monthly Benefit Allowance: The City shall provide each full-time employee with a monthly benefit allowance of \$1,200.00 per month through December 2024 and \$1,500.00 per month beginning January 2025. A portion of the allowance shall be allocated to pay for health insurance, as provided in this resolution. The remaining balance of the monthly benefit allowance may be allocated by the employee to elect benefits available through the City's Internal Revenue Code Section 125 Flexible Benefits Plan, in accordance with applicable plan documents. Any amount of the monthly benefit allowance that remains after the allocations described above shall be forfeited. Full-time employees shall be required to make elections for the annual calendar year use of the entirety of monthly benefit allowances during an enrollment/election period established by the City Manager, as may change from time to time. Modifications of annual calendar year elections following

any enrollment/election period shall be limited to qualifying events as set forth in applicable plan documents.

- F. Health Insurance: All employees shall be covered by basic health insurance that qualifies as Minimum Essential Coverage under California law. The City shall contract for health insurance through CalPERS; enrollment in a CalPERS health plan shall be mandatory for all full-time employees unless proof of coverage under a qualifying, alternate non-individual market basic health insurance plan is provided. The cost of enrollment in a CalPERS health plan shall be deducted first from each full-time employee's monthly benefit allowance and then from salary (if necessary).
- G. Flexible Benefits Plan: The City shall contract for the provision of an Internal Revenue Code Section 125 Flexible Benefits Plan; enrollment in the plan shall be voluntary for all full-time employees. Full-time employees may contribute to the plan by electing to allocate a portion of their monthly benefit allowance and/or through a salary reduction at their sole expense.
- H. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all full-time employees. Full-time employees may contribute to the plan through a salary reduction at their sole expense.
- I. Paid Time Off: Full-time employees shall accrue 160 hours per calendar year of annual paid time off (leave), which may be used for doctors' appointments, personal and family sick time, bereavement leave, jury duty leave, vacation, and personal business. Hours earned are accrued on a pro-rata basis by pay period.

Full-time employees may maintain a balance of no more than 480 hours of paid time off (Leave Accrual Limit) and shall cease to accrue additional paid time off when the Leave Accrual Limit has been reached. When a full-time employee's balance of paid time off falls below the Leave Accrual Limit, accrual shall resume beginning with the first pay period following the pay period in which the balance of paid time off fell below the Leave Accrual Limit. Upon separation from the City, full-time employees shall be compensated for the balance of their accrued paid time off.

- J. Paid Bereavement Leave: Full-time employees shall be eligible for a total of up to 40 hours per 12-month period of paid bereavement leave in the event of

any death in the immediate family or reproductive loss event. For the purpose of this provision, “immediate family” includes spouse, registered domestic partner, mother, stepmother, father, stepfather, brother, stepbrother, sister, stepsister, child, stepchild, grandparent, stepgrandparent, grandchild, and stepgrandchild of the full-time employee or the full-time employee’s spouse or registered domestic partner. For the purpose of this provision, “reproductive loss event” shall have the meaning set forth in California Government Code 12945.6.

- K. Paid Court Leave: While California Government Code Section 1230 does not require the City to grant full-time employees paid leaves of absence to appear as a witness in court other than as a litigant, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the full-time employee, full-time employees shall be eligible for a total of up to 80 hours per 12-month period of paid court leave for those purposes when proof of such obligation is provided and proof of any amounts received for jury and/or witness fees is provided (if applicable). During paid court leave, full-time employees shall (i) be paid the amount of the difference between his/her/their regular earnings and any amounts received for jury and/or witness fees, and (ii) be responsive to the City’s telephone and other communications when not precluded by the purposes for which paid court leave is granted.

SECTION 54. Part-Time Employee Benefits. All employees who are not full-time employees, but who work 20 or more hours per week on a regularly assigned basis, shall be considered “part-time employees” for the purpose of this resolution. Part-time employees shall receive the following benefits:

- A. Paid and Unpaid Holidays: The City shall observe the following holidays with part-time employees receiving eight hours of compensation for each weekday on which a holiday is observed: New Year’s Day, Martin Luther King Jr. Day, Presidents’ Day, Cesar Chavez Day, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, and Friday after Thanksgiving. The City shall also observe the following unpaid holidays: Winter Holiday (December 24 through January 1; when December 24 falls on a Tuesday, Winter Holiday shall be observed beginning on December 23; when January 1 falls on a Sunday or Thursday, Winter Holiday shall be observed through January 2). Except for Winter Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed on the prior Friday; when a holiday falls on a

Sunday, it shall be observed on the following Monday.

- B. Floating Holidays: The City shall provide each part-time employee with two floating holidays per calendar year, equivalent to 16 hours of pay credited the first pay period of each calendar year. Floating holidays are not accrued on a pro-rata basis throughout the calendar year. Part-time employees must be in paid status on regularly scheduled workdays before and after using floating holiday time. Floating holiday time shall be used in increments of eight hours and only between December 24 and 31.

Part-time employees may maintain a balance of no more than 16 hours of unused floating holiday time (Floating Holiday Accrual Limit) and shall not accrue additional floating holiday time when the Floating Holiday Accrual Limit has been reached. Upon separation from the City, part-time employees shall be compensated for the balance of their accrued floating holiday time. The use of floating holiday time need not correspond to a part-time employee's hours regularly worked.

- C. Retirement: All City employees, including part-time employees, are required to participate in the Social Security system. Part-time employees who work 1,000 hours or more in a fiscal year, shall be eligible for membership in CalPERS for retirement benefits, unless excluded in the City's agreement with CalPERS. Eligible part-time employees considered "classic" by CalPERS shall pay the 7% employee contribution pursuant to the terms of Resolution No. 12-18. Eligible part-time employees considered "new members" by CalPERS shall pay the employee contribution rate established by CalPERS, as may change from time to time. The CalPERS plans have the following additional Class 1 Benefit Provisions: One Year Final Compensation (FAC 1) (classic employees only) and Increased Industrial Disability Retirement (IDR) Allowance to 75% of Compensation (75% IDR) (all employees).

- D. Retiree Medical: As required by, and in an amount established by California Government Code Section 22892, the City shall contribute toward CalPERS retiree health insurance for retiring full-time employees who meet the applicable statutory and CalPERS contract requirements to obtain CalPERS retiree medical benefits. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet applicable statutory and CalPERS contract requirements, with each 174 hours counting as one month.

- E. Monthly Benefit Allowance: The City shall provide part-time employees with a monthly benefit allowance of \$960.00 per month through December 2024 and \$1,200.00 per month beginning January 2025. A portion of the allowance shall be allocated to pay for health insurance, as provided in this resolution. The remaining balance of the monthly benefit allowance may be allocated by the employee to elect benefits available through the City's Internal Revenue Code Section 125 Flexible Benefits Plan, in accordance with applicable plan documents. Any amount of the monthly benefit allowance that remains after the allocations described above shall be forfeited. Part-time employees shall be required to make elections for the annual calendar year use of the entirety of monthly benefit allowances during an enrollment/election period established by the City Manager, as may change from time to time. Modifications of annual calendar year elections following any enrollment/election period shall be limited to qualifying events as set forth in applicable plan documents.
- F. Health Insurance: All employees shall be covered by basic health insurance that qualifies as Minimum Essential Coverage under California law. The City shall contract for health insurance through CalPERS; enrollment in a CalPERS health plan shall be mandatory for all part-time employees unless proof of coverage under a qualifying, alternate non-individual market basic health insurance plan is provided. The cost of enrollment in a CalPERS health plan shall be deducted first from each part-time employee's monthly benefit allowance and then from salary (if necessary).
- G. Flexible Benefits Plan: The City shall contract for the provision of an Internal Revenue Code Section 125 Flexible Benefits Plan; enrollment in the plan shall be voluntary for all part-time employees. Part-time employees may contribute to the plan through a salary reduction at their sole expense and/or by electing to allocate a portion of their monthly benefit allowance, if provided.
- H. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all part-time employees. Part-time employees may contribute to the plan through a salary reduction at their sole expense.
- I. Paid Time Off: Part-time employees shall accrue 160 hours per calendar year of annual paid time off (leave), which shall be pro-rated based on the number of hours regularly worked less than 40 hours per week. Paid time off may be used for doctors' appointments, personal and family sick time, bereavement

leave, jury duty leave, vacation, and personal business. Paid time off may also be used up to the number of hours regularly worked during unpaid holidays that fall on weekdays (less any floating holiday time used). Hours earned are accrued on a pro-rata basis by pay period.

Part-time employees may maintain a balance of no more than 300 hours of paid time off (Leave Accrual Limit) and shall cease to accrue additional paid time off when the Leave Accrual Limit has been reached. When a part-time employee's balance of paid time off falls below the Leave Accrual Limit, accrual shall resume beginning with the first pay period following the pay period in which the balance of paid time off fell below the Leave Accrual Limit. Upon separation from the City, part-time employees shall be compensated for the balance of their accrued paid time off.

- J. Paid Bereavement Leave: Part-time employees shall be eligible for a total of up to 40 hours per 12-month period of paid bereavement leave in the event of any death in the immediate family or reproductive loss event. For the purpose of this provision, “immediate family” includes spouse, registered domestic partner, mother, stepmother, father, stepfather, brother, stepbrother, sister, stepsister, child, stepchild, grandparent, stepgrandparent, grandchild, and stepgrandchild of the part-time employee or the part-time employee's spouse or registered domestic partner. For the purpose of this provision, “reproductive loss event” shall have the meaning set forth in California Government Code 12945.6.
- K. Paid Court Leave: While California Government Code Section 1230 does not require the City to grant part-time employees paid leaves of absence to appear as a witness in court other than as a litigant, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the part-time employee, part-time employees shall be eligible for a total of up to 64 hours per 12-month period of paid court leave for those purposes when proof of such obligation is provided and proof of any amounts received for jury and/or witness fees is provided (if applicable). During paid court leave, part-time employees shall (i) be paid the amount of the difference between his/her/their regular earnings and any amounts received for jury and/or witness fees, and (ii) be responsive to the City's telephone and other communications when not precluded by the purposes for which paid court leave is granted.

SECTION 65. Limited Part-Time Employee Benefits. All employees who

work less than 20 hours per week on a regularly assigned basis shall be considered “limited part-time employees” for the purpose of this resolution. Limited part-time employees shall receive the following benefits:

- A. Retirement: All City employees, including limited part-time employees, are required to participate in the Social Security system.
- B. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all limited part-time employees. Limited part-time employees may contribute to the plan through a salary reduction at their sole expense.
- C. Paid Time Off: On the 90th calendar day of employment, and every January 1 thereafter, limited part-time employees shall accrue 40 hours of annual paid time off (leave), which may be used for personal illness, to care for a sick family member, for preventive care or diagnosis, care or treatment of an existing health condition, or for specified purposes if the limited part-time employee is a victim of domestic violence, sexual assault, or stalking. Paid time off must be used in a minimum increment of two hours per calendar day. There is no accrual or carryover of paid time off between or across calendar years. Upon termination from the City, limited part-time employees shall not be compensated for the balance of their paid time off. If a limited part-time employee separates from and is rehired by the City within one year, previously accrued and unused paid time off shall be reinstated.

SECTION 76. Employee Assistance Program. The City shall contract for an employee assistance program to provide voluntary, confidential assistance to employees in working through various life challenges that may adversely affect job performance, health, and personal well-being in order to optimize the City’s success. All full-time, part-time, and limited part-time employees shall be enrolled in the employee assistance program with the cost of enrollment paid by the City.

SECTION 87. Technology Allowances. The City Manager is authorized to offer technology allowances of either (i) \$25.00 per employee per month to employees who are regularly required to use their personal cellular telephone as part of the City’s multi-factor authentication and cyber security protocols, with the exception of the City Manager, or (ii) \$79.50 per employee per month to employees who are regularly required to use their personal cellular telephones, personal computers, and/or other personal technology to conduct City business, with the

exception of the City Manager. Such technology allowances shall be added to employee compensation and shall be paid in the first pay period of each month, subject to any applicable wage withholding or similar taxes. Employees must be in paid status on regularly scheduled workdays during the first pay period of each month in order to receive payment.

SECTION 98. Notary Public Stipends. The City Manager is authorized to offer notary public stipends of \$100.00 per employee per month to employees who regularly provide notary public and foreign pension acknowledgement services in the course of City business, with the exception of the City Manager. Such notary public stipends shall be added to employee compensation and shall be paid in the first pay period of each month, subject to any applicable wage withholding or similar taxes. Employees must be in paid status on regularly scheduled workdays during the first pay period of each month, and in possession of an active and valid notary public commission from the State of California as of the payroll processing date for the first pay period of each month, in order to receive payment. The City Manager is also authorized to incur and pay, on behalf of the City, costs related to the education and commission of employees who regularly provide notary public services in the course of City business, with the exception of the City Manager.

SECTION 109. City Manager’s Compensation and Benefits. The City Manager shall receive such other compensation and benefits as set forth in the employment agreement separately approved by the City Council on May 17, 2023.

SECTION 110. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2024.

NOEL HATCH, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 24-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 2024, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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7.4
CITY HALL/PUBLIC LIBRARY PROJECT
(NO REPORT)

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

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8.1
SIDEWALK VENDING REGULATIONS

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: January 17, 2024 Regular Meeting
SUBJECT: Sidewalk Vending Regulations

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. Approve the introduction and first reading of an ordinance – read by title with further reading waived – titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 6.44 TO TITLE 6 (BUSINESSES) OF THE LAGUNA WOODS MUNICIPAL CODE TO REGULATE SIDEWALK VENDORS IN COMPLIANCE WITH

CALIFORNIA GOVERNMENT CODE SECTION 51038 INCLUDING, BUT NOT LIMITED TO, BY ESTABLISHING RESTRICTIONS AND REQUIREMENTS DIRECTLY RELATED TO OBJECTIVE HEALTH, SAFETY, OR WELFARE CONCERNS, AS WELL AS BY ESTABLISHING A PROHIBITION ON STATIONARY SIDEWALK VENDORS IN AREAS THAT ARE ZONED EXCLUSIVELY RESIDENTIAL, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Background

The Fiscal Years 2023-25 Budget & Work Plan includes the following significant work plan item:

“Sidewalk Vending Regulations – Adopt sidewalk vending regulations in order to promote health, safety, and welfare, as well as for other purposes authorized by California Senate Bill 946 (Lara, Chapter 459, Statutes of 2018). The City is unable to regulate sidewalk vending except as authorized by Senate Bill 946.”

Senate Bill 946 generally requires all cities (and counties in areas where there is no city) to allow public sidewalks and public pedestrian paths of travel to be used for the sale of food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person. Those commercial activities are collectively referred to as “sidewalk vending” and include both stationary and roaming sales.

Under Senate Bill 946, cities and counties are generally limited in their ability to regulate sidewalk vendors, except when directly related to objective health, safety, or welfare concerns. Perceived community animus and economic competition are not permissible objective health, safety, or welfare concerns. Senate Bill 946 also limits the fines and penalties that can be levied for violations of local regulations.

Senate Bill 946 does not apply to private property (including, but not limited to, shopping centers, office buildings, churches, temples, other places of worship, and areas within private communities such as Laguna Woods Village).

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on proposed amendments of the Laguna Woods Municipal Code pertaining to sidewalk vending (Attachment A). Staff recommends that the City Council conduct a public hearing and initiate the adoption process for the proposed amendments in order to promote health, safety, and welfare, as well as for other purposes authorized by California Senate Bill 946 (Lara, Chapter 459, Statutes of 2018).

The proposed amendments include requirements such as:

- Sidewalk vendors would be required to obtain a sidewalk vending permit.
 - Please note that pursuant to the First Amendment of the United States Constitution and Article 1, Section 2 of the California Constitution, the City is unable to deny or revoke permit applications on the basis of a sidewalk vendor's sale or exchange of merchandise with content that persons may find objectionable or profane.
- When sidewalk vendors are required to obtain permits or licenses from other governmental agencies (e.g., California Department of Fee and Tax Administration, Orange County Health Care Agency, and Orange County Fire Authority), proof of such permits and licenses must be provided to the City as a prerequisite for commencing operation.
- Sidewalk vendors would be required to insure and indemnify the City for claims, damages, injuries, and liabilities.
- Sidewalk vendors would be required to acknowledge that the use of public property is at their own risk and that public property is not constructed, maintained, or intended for sidewalk vending.
- Sidewalk vendors would not be permitted to operate in marked or unmarked crosswalks or driveway crossings.
- Sidewalk vendors would not be permitted to operate in locations that would obstruct the visibility of, or impede access to or use of, any automated license plate reader, fire hydrant, fire riser, fire standpipe, radar speed sign,

radar speed trailer, surveillance camera owned or contracted for by the City, traffic control device, or traffic sign.

- Sidewalk vendors would be required to maintain a minimum clear width of 48 inches of accessible route area for pedestrian travel.
- Sidewalk vendors would be required to maintain the locations on which they operate in clean and sanitary condition. This would include, but not be limited to, providing trash receptacles, removing trash and debris, cleaning spills, and having certain cleaning supplies on-site. Dumping water, ice, or other items anywhere other than into trash receptacles provided by sidewalk vendors would be prohibited.
- Sidewalk vendors that use any heat, flame, or battery-, electric- or gas-powered equipment on-site would be required to keep at least one fire extinguisher on-site at all times, and notify and train employees as to the location and proper operation and use of the fire extinguisher.
- Sidewalk vendors would not be permitted to provide customer seating.
- Sidewalk vendors would be limited as to the number of shade canopies, shade structures, and umbrellas they could provide.
- Sidewalk vendors would not be permitted to sell or exchange alcoholic beverages, cannabis, cannabis products, tobacco, or tobacco cigarettes.

If the recommended action is taken at today's meeting, staff anticipates scheduling the second reading and consideration of adoption of the proposed ordinance for the City Council's next adjourned regular meeting on January 31, 2024. If adopted at that meeting, the ordinance would take effect 30 days thereafter.

Staff is continuing to evaluate potential additional amendments and matters related to sidewalk vending. Additional recommendations and a proposed application fee are expected to be forwarded to the City Council at a future meeting.

Environmental Review

The City Council is asked to find that this action is not subject to the California

Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guidelines Section 15378(b)(2) excludes “[c]ontinuing administrative. . . activities, such as . . . general policy and procedure making” and Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from its definition of “project.”

The City Council is also asked to find that, even if this action were subject to CEQA, it would be exempt based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Fiscal Impact

Sufficient funds to support this project are included in the City’s budget.

Documents Available for Review

Related documents – including the proposed ordinance, the Laguna Woods Municipal Code, and materials previously submitted to the City Council as part of the adoption of Ordinance No. 12-06 (which are referenced in the proposed ordinance) – are available for public review at or from City Hall during normal working hours. The Laguna Woods Municipal Code is also available for review at www.cityoflagunawoods.org.

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

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ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 6.44 TO TITLE 6 (BUSINESSES) OF THE LAGUNA WOODS MUNICIPAL CODE TO REGULATE SIDEWALK VENDORS IN COMPLIANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 51038 INCLUDING, BUT NOT LIMITED TO, BY ESTABLISHING RESTRICTIONS AND REQUIREMENTS DIRECTLY RELATED TO OBJECTIVE HEALTH, SAFETY, OR WELFARE CONCERNS, AS WELL AS BY ESTABLISHING A PROHIBITION ON STATIONARY SIDEWALK VENDORS IN AREAS THAT ARE ZONED EXCLUSIVELY RESIDENTIAL, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact reasonable laws that promote public health, safety, and general welfare, including regulations related to sidewalk vending, provided such laws are consistent with California Senate Bill 946 (Lara, Chapter 459, Statutes of 2018) (“California Senate Bill 946”); and

WHEREAS, under California Senate Bill 946, the City is generally limited in its ability to regulate sidewalk vendors, except when directly related to objective health, safety, or welfare concerns; and

WHEREAS, staff has recommended adding a new Chapter 6.44 to Title 6 of the Laguna Woods Municipal Code (“Code Amendments”) to regulate sidewalk vendors in compliance with California Government Code Section 51038 including, but not limited to, by establishing restrictions and requirements directly related to objective health, safety, or welfare concerns, as well as by establishing a prohibition on stationary sidewalk vendors in areas that are zoned exclusively residential; and

WHEREAS, the Code Amendments would apply to sidewalk vendors, roaming sidewalk vendors, and stationary sidewalk vendors, each of which is defined in California Government Code Section 51036; and

WHEREAS, the City’s regulation of sidewalk vendors is necessary due to risk to health, safety, and welfare resultant of the operation of sidewalk vendors

including, but not limited to, impacts to public sidewalks, public pedestrian paths of travel, public property, traffic, circulation, mobility, motorist safety, pedestrian safety, and foodborne illness and other conditions caused by or related to food handling and preparation; and

WHEREAS, while allowed by California Senate Bill 946, sidewalk vending on public sidewalks and public pedestrian paths of travel limits and impacts the use of such public property for the public purposes for which they are intended – namely, pedestrian (and, in some cases, bicycle and/or golf cart) circulation – thereby reducing the intended usability and availability of such public property constructed and maintained with public tax revenue and monies; and

WHEREAS, in generally requiring the City to permit sidewalk vending on public sidewalks and public pedestrian paths of travel, California Senate Bill 946 compels the use of such public property for purposes for which it was not, and is not, constructed, maintained, or intended, thereby materially changing the use of such public property as compared to that which previously existed and, in doing so, exposes the City to increased liability for such newly permitted use; and

WHEREAS, requiring sidewalk vendors to obtain a City sidewalk vending permit prior to operating on public sidewalks and public pedestrian paths of travel is necessary to ensure that the objective health, safety, and welfare concerns addressed by the Code Amendments are communicated and acknowledged; and

WHEREAS, California Senate Bill 946 explicitly allows the City to require sidewalk vendors to obtain a permit for sidewalk vending, subject to conditions related to the acceptance, collection, and confidentiality of certain identification numbers, all of which are met by the Code Amendments; and

WHEREAS, California Senate Bill 946 explicitly allows the City to require sidewalk vendors to submit information on their operations, including, but not limited to, the name and current mailing address of the sidewalk vendor, a description of the merchandise offered for sale or exchange, a certification by the sidewalk vendor that to his or her knowledge and belief, the information contained on the City application form is true, the California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, of the sidewalk vendor, and if the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and

WHEREAS, the Code Amendments require sidewalk vendors to submit information on their operations of a type and in a format necessary for the City to screen permit applications for compliance with the Code Amendments, including the objective health, safety, and welfare concerns addressed therein, and to enforce the Code Amendments subsequent to permit issuance; and

WHEREAS, California Senate Bill 946 explicitly allows the City to require sidewalk vendors to possess a valid California seller’s permit and additional licenses from other state or local agencies to the extent required by law, as well as to require sidewalk vendors to comply with other generally applicable laws; and

WHEREAS, the Code Amendments require sidewalk vendors to possess a valid California seller’s permit from the California Department of Tax and Fee Administration and valid mobile food facility permits from the Orange County Health Care Agency, when required, to ensure that other governmental agencies that have regulatory oversight over sidewalk vendors are aware of the operation of sidewalk vendors and that sidewalk vendors have acknowledged their obligation to comply with applicable laws, including laws pertaining to safe and sanitary food preparation, when applicable; and

WHEREAS, the Code Amendments require sidewalk vendors to describe the type and manner of food offered for sale or exchange such that the City has sufficient information to initiate dialogue with the Orange County Health Care Agency and Orange County Fire Authority regarding what, if any, permit and license requirements, and applicable laws enforced by said agencies, apply; and

WHEREAS, California Senate Bill 946 explicitly allows the City to require sidewalk vendors to comply with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards; and

WHEREAS, the Code Amendments require sidewalk vendors to maintain and provide notice of minimum clearances for pedestrian travel required by the federal Americans with Disabilities Act of 1990 (Public Law 101-336), California Building Standards Code, and other applicable federal or state law or standards regarding disability access, to promote accessibility and safety on public sidewalks and public pedestrian paths of travel; and

WHEREAS, accessibility is a particular concern in the City of Laguna Woods due to demographics including the following from the 2020 U.S. Census: the median age of residents is 74.9 years; approximately 91% of residents are 60

years or over, an increase of 2.5% from the 2010 U.S. Census estimate of 88.5%; and, the largest growing segment of residents is aged 70 to 79 years, increasing by 9.6%, from 26.6% in the 2010 U.S. Census to 36.2% in the 2020 U.S. Census; and

WHEREAS, the Code Amendments require sidewalk vendors to maintain certain minimum insurance and indemnify the City for matters related to their permitting and operation, which is necessary to minimize potential fiscal impacts to City taxpayers should public sidewalks or public pedestrian paths of travel be damaged or incidents occur on such public property in the course of such public property being used for purposes for which it was not, and is not, constructed, maintained, or intended; such fiscal impacts may limit or imperil the City’s ability to expend public tax revenue and monies for other purposes, including law enforcement and other purposes related to health, safety, and welfare; and

WHEREAS, placing restrictions on sidewalk vending in public sidewalks and public pedestrian paths of travel within City parks is necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of such parks; and

WHEREAS, the Code Amendments prohibit sidewalk vendors from operating within marked or unmarked crosswalks or driveway crossings due to the potential for the sale or exchange of merchandise to exceed the time signalized crosswalks are available for pedestrian use (i.e., the period of time during which lawful, otherwise conflicting vehicle traffic is suspended), and to prevent incidents involving vehicles and vehicle-versus-pedestrian collisions for which the likelihood of occurrence is high when pedestrians are stopped or slowed in crosswalks or driveway crossings which are intended to serve only limited and brief pedestrian circulation purposes with such public property serving vehicle circulation purposes at all other times; and

WHEREAS, the Code Amendments prohibit sidewalk vendors from operating in locations that would obstruct the visibility of, or impede access to or use of, any automated license plate reader, fire hydrant, fire riser, fire standpipe, radar speed sign, radar speed trailer, surveillance camera owned or contracted for by the City, traffic control device, or traffic sign, due to those items providing vital resources for fire response, law enforcement, and other public safety functions and/or assisting motorist and pedestrian circulation, which promotes public safety and protects property from damage; and

WHEREAS, the Code Amendments prohibit stationary sidewalk vendors from operating within the specific location of another stationary sidewalk vendor to whom the City has issued a sidewalk vending permit during the limited operating hours of that sidewalk vendor, and such restriction is necessary due to the inherent conflict between multiple sidewalk vendors attempting to operate in the same location and because of the potential for such conflict to result in an altercation, disturbance of the peace, and pedestrian confusion and inundation, any of which may imperil health, safety, or welfare; and

WHEREAS, the Code Amendments prohibit sidewalk vendors from selling, dispensing, distributing, or storing alcoholic beverages, cannabis, cannabis products, tobacco, and tobacco cigarettes, consistent with the City’s existing practice of controlling the availability of such products due to the well-established potential for abuse and harmful side effects associated therewith, as evidenced by the regulation of the same by the federal government and State of California, as well as studies and information from the federal Centers for Disease Control and Prevention and other governmental agencies and health entities; and

WHEREAS, California Senate Bill 946 explicitly allows the City to require sidewalk vendors to maintain sanitary conditions and the Code Amendments include regulations pertaining to cleanliness and sanitation, including requirements to provide trash receptacles and certain cleaning supplies, and to remove spills and trash, debris and other unwanted items, any of which promote public health by preventing conditions that could serve as or create disease agents or vectors and affect receiving water quality, and which promote public safety by reducing potential obstacles to safe, clear, and unimpeded pedestrian circulation; and

WHEREAS, the Code Amendments require sidewalk vendors that use any heat, flame, or battery-, electric- or gas-powered equipment on-site to keep at least one fire extinguisher on-site at all times, and to and notify and train employees as to the location and proper operation and use of the fire extinguisher, which promotes public safety by ensuring that a form of fire suppression and personnel trained to use it are available in the event of fire; and

WHEREAS, California Senate Bill 946 explicitly allows the City to limit the hours of operation of street vendors, provided that any such limitations shall not be more restrictive than any limitations on hours of operation imposed on other businesses or uses on the same street; and

WHEREAS, Laguna Woods Municipal Code Section 13.10.040(e) limits

the hours of operation for businesses located in areas zoned as “Neighborhood Commercial” and the Code Amendments extend a comparable limitation to the hours of operation for sidewalk vendors in areas zoned as “Neighborhood Commercial”; and

WHEREAS, the Code Amendments explicitly extend the City’s existing prohibition of food vendors providing prepared food for consumption in or with disposable food service ware made of polystyrene foam, which is codified in Laguna Woods Municipal Code Chapter 4.23 (Ordinance No. 12-06), to sidewalk vendors that sell or exchange food, and incorporates the findings and information previously submitted to the City Council as part of the adoption of Ordinance No. 12-06 herein by this reference; and

WHEREAS, the Code Amendments prohibit sidewalk vendors from connecting to utility service paid for by the City, except as may be made generally publicly available by the City, and in doing so prevents the use of public utilities for purposes other than which they were intended which may otherwise result in fiscal impacts limiting or imperiling the City’s ability to expend public tax revenue and monies for other purposes, including law enforcement and other purposes related to health, safety, and welfare, and which may result in property damage due to the manner of connection or nature of items connected; and

WHEREAS, the Code Amendments include a prohibition on sidewalk vendors’ providing customer seating and limitations on sidewalk vendors’ use of shade canopies, shade structures, and umbrellas, which are not inconsistent with California Senate Bill 946 as such prohibition and limitations do not prevent sidewalk vendors from selling or exchanging merchandise on public sidewalks or public pedestrian paths of travel; and

WHEREAS, the Code Amendments prohibit sidewalk vendors from leaving unattended equipment and other items on public sidewalks and public pedestrian paths of travel, which is necessary due to such unattended items otherwise constituting trash or litter, or creating a public nuisance as defined in California Civil Code Section 3480: public sidewalks and public pedestrian paths of travel are accessible by all persons, including all residents of the City of Laguna Woods and, at minimum, unattended items would create annoyances and potential hazards to pedestrians attempting to use such public property for the pedestrian (and, in some cases, bicycle and/or golf cart) circulation for which it is intended; and

WHEREAS, the Code Amendments prohibit sidewalk vendors from selling

or exchanging merchandise with persons in moving or illegally parked or illegally stopped vehicles on public streets, and such a requirement is necessary to reduce the potential for violations of the California Vehicle Code and incidents involving vehicle and vehicle-versus-pedestrian collisions, any of which may result in injury, death, and property damage; and

WHEREAS, sidewalk vendors operating in a manner that creates a public nuisance constitutes an objective harm to the public health, safety, and welfare; and

WHEREAS, encroachments on public sidewalks and public pedestrian paths of travel must be reasonably regulated in order to protect the public health, safety, and welfare and to provide for the orderly administration and maintenance of such public property for the benefit of the public, while also allowing reasonable accommodation and cooperative flexibility for providing necessary utility and other convenience services to the public; and

WHEREAS, persons who maintain or install encroachments on public sidewalks or public pedestrian paths of travel bear a responsibility to help preserve such public property and to contribute to the administrative and liability costs incurred by the City and caused by such encroachments; and

WHEREAS, the Code Amendments are consistent with California Senate Bill 946, as they are reasonable time, place, and manner restrictions, related to objective health, safety, and welfare concerns, and are based on compliance with other generally applicable laws, including the federal Americans with Disabilities Act of 1990 (Public Law 101-336), federal law, the California Building Standards Code, state law, and the Laguna Woods Municipal Code; and

WHEREAS, on January 17, 2024, the City Council held a duly noticed public hearing on this Ordinance 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, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare

of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that this action is not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guidelines Section 15378(b)(2) excludes “[c]ontinuing administrative. . . activities, such as . . . general policy and procedure making” and Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from its definition of “project.”

After reviewing the entire project record, the City Council also hereby determines and certifies that that, even if this action were subject to CEQA, it would be exempt based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 3. Chapter 6.44 is hereby added to Title 6 (Businesses) of the Laguna Woods Municipal Code as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) calendar days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, 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 of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The Mayor shall sign this Ordinance.

SECTION 7. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 8. 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 2024.

NOEL HATCH, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

ALISHA PATTERSON, City Attorney

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 24-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2024, and that thereafter, said Ordinance was duly adopted and passed at an adjourned regular meeting of the City Council on the XX day of XX 2024 by the following vote to wit:

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

YOLIE TRIPPY, CMC, City Clerk

**EXHIBIT A
CODE AMENDMENTS**

Chapter 6.44 (“Sidewalk Vending”) is hereby added to Title 6 (“Businesses”) of the Laguna Woods Municipal Code to read as follows:

CHAPTER 6.44. - SIDEWALK VENDING

Sec. 6.44.010 - Purpose and intent.

(a) The purpose and intent of this chapter is to implement reasonable time, place, and manner regulations on sidewalk vending that protect the public health, safety, and welfare consistent with the requirements of state law.

(b) This chapter is adopted and established pursuant to the specific authority granted to the City of Laguna Woods in Chapter 6.2 (commencing with Section 51036) of Part 1 of Division 1 of Title 5 of the California Government Code.

(c) Nothing in this chapter shall be construed to affect the applicability of Part 7 (commencing with Section 113700) of Division 104 of the California Health and Safety Code to a sidewalk vendor who sells food.

Sec. 6.44.020 - Definitions.

For purposes of this chapter only, the following definitions shall apply, in addition to those set forth in Chapter 1.02 of this Code:

(05) *Cannabis* shall have the same meaning as the term is defined in Section 3.18.030(20) of this Code, as amended from time to time or replaced with a successor statute.

(10) *Cannabis product* shall have the same meaning as the term is defined in Section 3.18.030(30) of this Code, as amended from time to time or replaced with a successor statute.

(15) *Certified farmers’ market* shall mean a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the California Food and Agricultural Code and any regulations adopted pursuant to that chapter.

(20) *Crosswalk* shall have the same meaning as the term is defined in California Vehicle Code, as amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of “crosswalk” was set forth in California Vehicle Code § 275.

(25) *Disposable food service ware* shall have the same meaning as the term is defined in Section 4.23.020(c) of this Code, as amended from time to time or replaced with a successor statute.

(30) *Driveway crossing* shall mean any portion of a public sidewalk or public pedestrian path that is located within the path of travel for vehicles about to enter or cross a highway from any public or private property, or from an alley, including any associated curb ramps and detectable warning surfaces.

(35) *Employee* shall mean any person acting as a sidewalk vendor and any person working, providing service, or acting on behalf of a sidewalk vendor, irrespective of whether such person receives a wage, salary, commission, barter, or any other form of compensation.

(40) *Food* shall have the same meaning as the term is defined in the Sherman Food, Drug, and Cosmetic Law, California Health and Safety Code § 109875, et seq., as amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of “food” was set forth in California Health and Safety Code § 109935.

(45) *Highway* shall have the same meaning as the term is defined in California Vehicle Code, as amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of “highway” was set forth in California Vehicle Code § 360.

(50) *Local law enforcement* shall mean the Orange County Sheriff's Department, or successor agency.

(55) *Merchandise* shall have the same meaning as the term is defined in California Penal Code, as amended from time to time or replaced

with a successor statute. As of the date this chapter was adopted, the definition of “merchandise” was set forth in California Penal Code § 490.5(g). “Merchandise” includes, without limitation, food.

(60) *Polystyrene foam* shall have the same meaning as the term is defined in Section 4.23.020(d) of this Code, as amended from time to time or replaced with a successor statute.

(65) *Public property* shall mean any public sidewalk or public pedestrian path owned or operated by the City.

(70) *Roaming sidewalk vendor* shall mean a sidewalk vendor who moves from place to place and stops only to complete a transaction.

(75) *Sidewalk* shall have the same meaning as the term is defined in California Vehicle Code, as amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of “sidewalk” was set forth in California Vehicle Code § 555.

(80) *Sidewalk vending* shall mean any action, activity, or function undertaken in the operation of a sidewalk vendor, either by an employee of the sidewalk vendor or by a person who patronizes the sidewalk vendor, uses any amenity or equipment provided by the sidewalk vendor, or buys, exchanges, handles, or inspects merchandise of the sidewalk vendor.

(85) *Sidewalk vendor* shall mean a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon public property.

(90) *Stationary sidewalk vendor* shall mean a sidewalk vendor who vends from a fixed location.

(95) *Swap meet* shall mean a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the California Business and Professions Code, and any regulations adopted pursuant to that article.

(100) *Temporary special permit* shall mean a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts.

Sec. 6.44.030 - City permitting requirements—generally.

(a) No person shall operate as a sidewalk vendor without obtaining and holding in full force and effect a sidewalk vending permit from the City and such other City permits as may be required including, but not limited to, permits that may be required under the California Building Standards Code.

(b) Obtaining and holding in full force and effect a sidewalk vending permit from the City shall satisfy any requirement that may otherwise exist for sidewalk vendors to obtain and hold in full force and effect an encroachment permit or site development permit from the City.

Sec. 6.44.040 - City permitting requirements—application.

Applications for sidewalk vending permits shall be reviewed for conformance with this chapter and acted upon administratively by the City Manager. When issued, sidewalk vending permits shall be valid for a period of one year (365 calendar days) or until the date that the sidewalk vending permit is suspended and/or revoked. If any of the information listed in this section becomes inaccurate or incomplete during the term of the sidewalk vending permit, the sidewalk vending permit shall become invalid and subject to suspension and/or revocation unless and until all inaccurate and/or incomplete information is corrected and furnished to the City, on a form provided by the City, within 15 calendar days of the date the information became inaccurate and/or incomplete. Renewal applications for sidewalk vending permits must be made at least 60 calendar days in advance of the expiration date. In applying for sidewalk vending permits or renewals thereof, applicants shall furnish to the City a sworn statement, upon a form provided by the City, setting forth the following information:

ITEM 8.1 – Exhibit A to Attachment A

(1) The name of the sidewalk vendor, including the legal name and any fictitious business names under which the business of the sidewalk vendor is to be conducted;

(2) The organizational structure type of the sidewalk vendor (e.g., corporation, joint venture, limited liability company, partnership, sole proprietorship, or trust);

(3) The number the sidewalk vendor will file federal taxes under (e.g., federal employer identification number, individual taxpayer identification number, social security number, or national identification number) or, in lieu of a social security number, a California driver's license number, a California identification number, an individual taxpayer identification number, or a municipal identification number. Pursuant to state law, numbers collected under this subsection shall not be available to the public for inspection, shall be kept confidential, and shall not be disclosed except as required to administer the sidewalk vendor permitting program established by this chapter or comply with a state law or state or federal court order;

(4) The legal name, mailing address, telephone number, and email address of the sidewalk vendor's primary point of contact for the City during processing of the permit application ("applicant");

(5) The legal name, mailing address, telephone number, and email address of the sidewalk vendor's primary point of contact for the City during any future operation of the sidewalk vendor ("operator");

(6) Notarized statements from the applicant and operator acknowledging that they have reviewed, had an opportunity to consult with legal counsel regarding, and agree to comply with this chapter and all other applicable provisions of this Code and federal, state, and local laws including, without limitation, the California Retail Food Code and California Sales and Use Tax Law. If the applicant is an agent of an individual, company, partnership, or corporation, their notarized statement shall be executed in that capacity;

(7) Notarized statements from the applicant and operator acknowledging that (i) the use of public property is at the applicant's and operator's own risk, (ii) public property is not constructed, maintained, or intended for sidewalk vending, and (iii) the City has not made and will make no representations, warranties, or guarantees, express or implied, regarding the suitability, appropriateness, or safety of the use of any public property for sidewalk vending, and that the issuance of any sidewalk vending permit would not constitute any such representation, warranty, or guarantee. If the applicant is an agent of an individual, company, partnership, or corporation, their notarized statement shall be executed in that capacity;

(8) The legal name, mailing address, telephone number, and email address of the agent for the service of process for the sidewalk vendor;

(9) The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, of the sidewalk vendor, including, when applicable, proof that the location or sublocation of said California seller's permit number is the City of Laguna Woods. If the sidewalk vendor does not have a California seller's permit number, proof of exemption from obtaining one shall be provided. If an approved City sidewalk vending permit is required before the California Department of Tax and Fee Administration will issue a California seller's permit, the City Manager may conditionally approve sidewalk vending permits with operation of the sidewalk vendor prohibited until the information required by this subsection is received, reviewed, and accepted in writing by the City Manager;

(10) The Mobile Food Facility Permit from the Orange County Health Care Agency, if any, for the sidewalk vendor. If the sidewalk vendor does not have a Mobile Food Facility Permit, proof of exemption from obtaining one shall be provided. If an approved City sidewalk vending permit is required before the Orange County Health Care Agency will issue a Mobile Food Facility Permit, the City Manager may conditionally approve sidewalk vending permits with operation of the sidewalk vendor prohibited until the information required by this subsection is received, reviewed, and accepted in writing by the City Manager;

ITEM 8.1 – Exhibit A to Attachment A

(11) A statement regarding whether the sidewalk vendor would operate as a roaming sidewalk vendor or stationary sidewalk vendor;

(12) A description, map, or drawing of the specific location (for stationary sidewalk vendors) or specific route (for roaming sidewalk vendors) where the sidewalk vendor would operate;

(13) The hours per day and days per week that the sidewalk vendor would operate;

(14) A description of the merchandise that would be offered for sale or exchange, including (i) the square feet of display space for food, (ii) whether any cut food would be offered, (iii) whether any food would be washed on-site, (iv) whether any milk, milk products, or products resembling milk products subject to licensing under the California Food and Agriculture Code would be offered, (v) whether any raw meat, poultry, or fish would be cooked or otherwise prepared on-site, (vi) whether any meat, poultry, or fish would be cooled or thawed on-site after being cooked on-site or off-site, and (vii) the types of cooking devices and associated fuel (e.g., coal, charcoal, electricity, kerosene, propane, or wood) that would be used on-site;

(15) For stationary sidewalk vendors, a site plan demonstrating that the location(s) from which the sidewalk vendor would operate would maintain a minimum clear width of 48 inches of accessible route area for pedestrian travel within the public property when considering all amenities, equipment, merchandise, and reasonably anticipated customer queuing, or other minimum clear width for pedestrian travel required by the Americans with Disabilities Act of 1990 (Public Law 101-336), California Building Standards Code, or other applicable federal or state law or standards regarding disability access;

(16) A notarized statement from the applicant reading “Under penalty of perjury, I hereby declare that the information contained within and submitted with this application is complete, true, and accurate. I understand that a misrepresentation of fact is cause for rejection of this application, denial of the permit, and/or suspension or revocation of a permit issued.” If the applicant is an agent of an

individual, company, partnership, or corporation, the notarized statement shall be executed in that capacity; and

(17) Any additional information which the City Manager may require.

An annual application fee in an amount established by resolution of the City Council shall be presented with the sworn statement submitted under this subsection. This fee may be adjusted from time to time to compensate the City for sidewalk vending permit processing-related costs, by resolution of the City Council.

Sec. 6.44.050 - City permitting requirements—suspension, revocation, and non-renewal.

The City Council or City Manager may suspend, revoke, or refuse to renew a sidewalk vending permit for any sidewalk vendor that (i) is found to have submitted incomplete, untrue, inaccurate, or otherwise misrepresented information in its application for such permit, (ii) pursuant to state law, is guilty of four or more violations of this chapter within one year (365 days), or (iii) remains in violation of the City’s building and zoning regulations, or any other applicable provision of this Code or local law for a period in excess of 15 calendar days after the sidewalk vendor or agent for the service of process for the sidewalk vendor has been notified by the City either personally, in-person, by telephone, or by email, or by posting notice on any of the sidewalk vendor’s amenities or equipment. Sidewalk vendors shall notify and train employees to check for posted notices throughout the hours of operation and to immediately provide such notices to owners of the sidewalk vendor and agents for the service of process for the sidewalk vendor. During the aforementioned 15 calendar day period, the sidewalk vendor may provide the City party who issued the notice of violation with evidence contesting the violation. The City party who issued the notice of violation shall consider such evidence prior to suspending, revoking, or refusing to renew a sidewalk vending permit. A decision of either the City Council or City Manager to suspend, revoke, or refuse to renew a sidewalk vending permit is final and non-appealable.

Sec. 6.44.060 - City permitting requirements—transferability.

Sidewalk vending permits do not run with the land, are particular to a type

of sidewalk vendor (roaming or stationary), are particular to a specific location (for stationary sidewalk vendors) or specific route (for roaming sidewalk vendors), and are not transferrable to new sidewalk vendors, different types of sidewalk vendors, or new locations or routes for existing sidewalk vendors.

Sec. 6.44.070 - City permitting requirements—insurance and indemnification.

As a condition of approval of any sidewalk vending permit, the sidewalk vendor shall:

- (1) Execute an agreement indemnifying the City, its respective elected and appointed boards, officials, officers, agents, employees, and volunteers from any claims, damages, injuries, and liabilities of any kind associated with the permitting or operation of the sidewalk vendor, including without limitation, injuries, illness, and deaths that may occur as a result of foodborne illness or the use of public property for sidewalk vending, for which it is not constructed, maintained, or intended for;
- (2) Maintain insurance in the amounts and types that are acceptable to the City Attorney or his/her/their designee;
- (3) Name the City, its respective elected and appointed boards, officials, officers, agents, employees, and volunteers as additionally insured on all City required insurance policies;
- (4) Agree to defend, at its sole expense, any action against the City and/or its respective elected boards, appointed boards, officials, officers, agents, employees and/or volunteers related to this chapter and/or the City's approval of a sidewalk vending permit; and
- (5) Agree to indemnify and reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to this chapter and/or the City's approval of a sidewalk vending permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the sidewalk vendor of its obligation hereunder.

Sec. 6.44.080 - Other licensing and permitting requirements.

(a) No sidewalk vendor shall operate as a sidewalk vendor without obtaining and holding in full force and effect all licenses and permits as may be required by the California Department of Tax and Fee Administration, or successor agency, Orange County Health Care Agency, or successor agency, Orange County Fire Authority, or successor agency, and other federal, state, and local governmental agencies.

(b) Sidewalk vendors shall not be required to first obtain the consent or approval of any nongovernmental entity or individual before operating as a sidewalk vendor.

Sec. 6.44.090 - Location requirements.

(a) A sidewalk vendor may only operate on public sidewalks or other public pedestrian paths identified in an approved sidewalk vending permit that meet all of the requirements listed below in this section:

(1) The location is not within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited operating hours of that certified farmers' market or swap meet. For the purpose of this subsection only, "permitted" shall mean that the certified farmers' market or swap meet is operating with the approval or consent of any governmental agency or, if no such approval or consent is required, with the approval or consent of the property owner of the parcel(s) where the certified farmers' market or swap meet is operating.

(2) The location is not within the immediate vicinity of an area designated for a temporary special permit issued by the City during the duration of the temporary special permit, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the City's temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable.

(3) The location is not within a park owned or operated by the City, if the operator of the park has signed an agreement for concessions that

exclusively permits the sale of food or merchandise by the concessionaire.

(4) The location is not within a marked or unmarked crosswalk or driveway crossing. This subsection shall not be construed as preventing a roaming sidewalk vendor from lawfully traveling through marked or unmarked crosswalks or driveway crossings provided that no merchandise is sold or exchanged within any such crosswalk or driveway crossing.

(5) The location is not such that the visibility of any automated license plate reader, fire hydrant, fire riser, fire standpipe, radar speed sign, radar speed trailer, surveillance camera owned or contracted for by the City, traffic control device, or traffic sign would be obstructed, or access to or use of the same impeded.

(6) For stationary sidewalk vendors, the location is not within the specific location of another stationary sidewalk vendor to whom the City has issued a sidewalk vending permit during the limited operating hours of that sidewalk vendor.

(7) For stationary sidewalk vendors, the location is not zoned exclusively residential in this Code.

(b) Sidewalk vending permits do not preclude the City from closing, reconstructing, or reconfiguring its public sidewalks and public pedestrian paths of travel as may be necessary from time to time including, but not limited to, to accommodate other encroachments on public property or construction or maintenance of public property.

(c) Sidewalk vending permits do not provide any approval or authorization for sidewalk vendors to operate either in whole or in part on private property or anywhere other than on specifically identified public property.

Sec. 6.44.100 - Operational requirements.

Sidewalk vendors shall comply with all of the following operations requirements, in addition to all other applicable requirements of this Code:

(1) *Accessible Clearance.* Sidewalk vendors shall maintain a

minimum clear width of 48 inches of accessible route area for pedestrian travel within the public property when considering all amenities, equipment, merchandise, and reasonably anticipated customer queuing, or other minimum clear width for pedestrian travel required by the Americans with Disabilities Act of 1990 (Public Law 101-336), California Building Standards Code, or other applicable federal or state law or standards regarding disability access. For the purpose of this subsection, “maintain” shall include, but not be limited to, at minimum all of the following:

a. For stationary sidewalk vendors, marking the minimum areas of public property that must remain clear for accessible route area for pedestrian travel with temporary flooring tape. The sidewalk vendor shall continuously inspect the condition of such flooring tape to ensure its accuracy and visibility and to prevent hazards. The sidewalk vendor shall remove all such flooring tape and clean all tape residue from public property each time sidewalk vending ceases;

b. Posting on each nonmotorized conveyance from which merchandise is sold or exchanged, table, shade canopy, shade structure, and umbrella used by the sidewalk vendor a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials stating that a minimum clear width of 48 inches of accessible route area for pedestrian travel must be maintained around the sidewalk vendor and customer queuing; and

c. Refusing to sell or exchange merchandise with any person standing or otherwise occupying space within any of the minimum areas of public property that must remain clear for accessible route area for pedestrian travel.

(2) *Alcoholic Beverages.*

a. Sidewalk vendors shall not engage in the sale, dispensing, distribution, or storage of alcoholic beverages.

b. Sidewalk vendors shall actively monitor and prevent the consumption, sale, dispensing, distribution, or storage of alcoholic beverages on the parcel(s) on which they are located. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, training employees to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement.

(3) *Cannabis*. Sidewalk vendors shall not engage in the sale, dispensing, distribution, or storage of cannabis or cannabis products.

(4) *Cleanliness*. Sidewalk vendors shall maintain the public property on which they operate in a clean and sanitary condition. For the purpose of this subsection only, “maintain” shall include, but not be limited to, at minimum all of the following:

a. Providing at least one trash receptacle per table used by the sidewalk vendor. Such trash receptacles shall be placed either below or immediately adjacent to every such table. Such trash receptacles shall be removed when sidewalk vending ceases and shall not be emptied into any public trash receptacle as they are not sized, maintained, or intended for use by sidewalk vendors.

b. Maintaining on-site at least one dry broom, one dustpan, and absorbent pads or towels suitable for outdoor use.

c. Immediately removing merchandise, trash, debris, fats, oils, grease, ice, or any other fluid, material, mineral, or substance that falls onto public property in the course of sidewalk vending, whether by the sidewalk vendor, its customers, or any other person. Trash, debris, and other unwanted items shall be placed in one or more trash receptacles provided by the sidewalk vendor. Trash, debris, and other unwanted items shall not be placed in any public trash receptacle as they are not sized, maintained, or intended for use by sidewalk vendors.

d. Not dumping ice, water, or any other fluid, material, mineral, or substance anywhere other than into one or more trash receptacles provided by the sidewalk vendor.

(5) *Fire Extinguishers*. Sidewalk vendors that use any heat, flame, or battery-, electric- or gas-powered equipment on-site (e.g., to prepare food) shall keep at least one easily accessible, properly charged, and properly maintained 10-BC-rated fire extinguisher on-site at all times. Sidewalk vendors shall notify and train employees as to the location and proper operation and use of such fire extinguisher.

(6) *Hours of Operation*. When operating in public property zoned as “Neighborhood Commercial” in this Code, sidewalk vendors shall not be open to any member of the public between 6:00 a.m. and 10:30 p.m., Monday through Sunday, unless otherwise provided for by an approved use permit.

(7) *Polystyrene Foam*. Sidewalk vendors shall not provide any prepared food in or with disposable food service ware made of polystyrene foam.

(8) *Public Utilities*. Sidewalk vendors shall not connect to any utility service paid for by the City including, but not limited to, electricity, internet, gas, and water, except as may be made generally publicly available by the City.

(9) *Roaming*. Roaming sidewalk vendors must remain in constant motion except when completing a transaction.

(10) *Seating*. State law generally requires the City to allow sidewalk vendors to sell and exchange merchandise on public property but does not require the City to allow customer seating. Accordingly, sidewalk vendors shall not provide more than one seat per employee on-site and shall not provide or permit seating to be used by customers.

(11) *Shade*. State law generally requires the City to allow sidewalk vendors to sell and exchange merchandise on public property but does not require the City to allow shade canopies, shade structures, or umbrellas. Accordingly, sidewalk vendors shall not provide shade canopies, shade structures, and umbrellas except when placed over

the pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or one's person, from which merchandise is sold or exchanged.

(12) *Tobacco and Tobacco Cigarettes*. Sidewalk vendors shall not engage in the sale, dispensing, distribution, or storage of tobacco or tobacco cigarettes.

(13) *Unattended Items*. Amenities, equipment, and merchandise used by the sidewalk vendor shall not be left unattended on public property.

(14) *Vending to Vehicles*. Sidewalk vendors shall not sell or exchange merchandise to any person in a moving, illegally parked, or illegally stopped vehicle on any public street within the jurisdiction of the City or any governmental agency.

Sec. 6.44.110 - Obligation to maintain.

Where this chapter requires the construction, erection, installation, posting, placement, or use of any tangible item, there also exists an obligation for the same to be kept clean, complete, and in good structural and functional working order, and to not be allowed to fall into a state of disrepair, damage, or decrepitude.

Sec. 6.44.120 - Violations and penalties.

(a) This chapter may be enforced in any manner set forth in this Code, or as otherwise provided by law, subject to the limitations set forth in Chapter 6.2 (commencing with Section 51036) of Part 1 of Division 1 of Title 5 of the California Government Code.

(b) All remedies and penalties prescribed by this chapter or which are available under any other provision of this Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

(c) Any person who violates any provision of this chapter shall be guilty of a separate offense for each and every day, or any portion thereof, of which any violation of any provision of this chapter is committed, continued, or

permitted by such person, and shall be punishable administratively, and except as otherwise set forth below, the following penalties shall apply:

(1) *Administrative Fines for Violations.*

- a. An administrative fine of \$100.00 for a first violation.
- b. An administrative fine of \$200.00 for a second violation within one year of the first violation.
- c. An administrative fine of \$500.00 for each additional violation within one year of the first violation.

(2) *Administrative Fine Reductions.*

- a. When imposing an administrative fine, the City shall provide the person with notice of his/her/their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request from the City an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program. The City Manager shall make ability-to-pay determinations on behalf of the City and reduce administrative fines accordingly. Ability-to-pay determinations made by the City Manager may be contested in the same manner as administrative citations may be contested per Section 1.06.090 of this Code.
- b. If a person against whom an administrative fine is imposed meets the criteria described in subdivision (a) or (b) of California Government Code § 68632, the City shall accept, in full satisfaction, 20 percent of the administrative fine imposed. The person against whom an administrative fine is imposed shall provide proof sufficient to the City Manager of their meeting the criteria described in subdivision (a) or (b) of California Government Code § 68632.

(2) *Violations Not Infractions or Misdemeanors.* Pursuant to state law, no violation of this chapter shall be punishable as an infraction or misdemeanor.

(3) *Violations Not Subject to Additional Financial Conditions.* Pursuant to state law, no violation of this chapter shall be assessed additional fines, fees, assessments, or any other financial conditions beyond those described in this chapter.

Sec. 6.44.130 - City Manager's authority.

In addition to all other authority provided by state law, the City Council, and this Code, the City Manager shall have the following authority:

(1) For purposes of administration and enforcement of this chapter generally, the City Manager may from time to time promulgate such administrative interpretations, rules, and/or procedures consistent with the purpose, intent, and express terms of this chapter as the City Manager deems necessary to implement or clarify such provisions or aid in enforcement.

(2) The City Manager may delegate to, or enter into contracts with, public agencies or private entities to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.

(3) The City Manager may file complaints and reports with the California Department of Tax and Fee Administration, or successor agency, Orange County Health Care Agency, or successor agency, Orange County Fire Authority, or successor agency, and other governmental agencies, regarding known or suspected unlicensed or illegal activity by or related to sidewalk vendors.

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8.2 STREET RACING AND EXCESSIVE VEHICLE NOISE REGULATIONS

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: January 17, 2024 Regular Meeting

SUBJECT: Street Racing and Excessive Vehicle Noise Regulations

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. Approve the introduction and first reading of an ordinance – read by title with further reading waived – titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 8.06 OF TITLE 8 (TRAFFIC CONTROL) OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO VEHICLE, GOLF CART, LOW-SPEED VEHICLE, AND

MOTORCYCLE RACING AND NOISE, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Background

At the regular meeting on September 20, 2023, Councilmember Moore agendized an item related to street racing and excessive vehicle noise regulations. Acting on a recommendation made by Councilmember Moore, the City Council unanimously voted to direct the City Manager to draft an ordinance for future consideration by the City Council that would – if adopted by the City Council at a future meeting – prohibit street racing and excessive vehicle-related noise on public streets.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on proposed amendments of the Laguna Woods Municipal Code related to street racing and excessive vehicle noise (Attachment A). Staff recommends that the City Council conduct a public hearing and initiate the adoption process for the proposed amendments in order to codify new regulations that the Orange County Sheriff’s Department has indicated would help address street racing and excessive vehicle noise on public streets.

The proposed regulations would generally prohibit street racing (speed contests) and loud, unnecessary, or unusual vehicle-related noise. Orange County Sheriff’s Department personnel would be able to issue citations under the proposed regulations and would then submit those citations to the City for collection.

In addition to the proposed regulations, Orange County Sheriff’s Department personnel would continue to be able to issue traffic citations under the California Vehicle Code including, but not limited to, sections 23109(a) (“Speed contests prohibited”), 27150 (“Exhaust systems”), and 27151 (“Modification of exhaust system to amplify or increase noise prohibited”).

If the recommended action is taken at today’s meeting, staff anticipates scheduling the second reading and consideration of adoption of the proposed ordinance for the City Council’s next adjourned regular meeting on January 31, 2024. If adopted at that meeting, the ordinance would take effect 30 days thereafter.

Environmental Review

The City Council is asked to find that this action is not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guidelines Section 15378(b)(2) excludes “[c]ontinuing administrative. . . activities, such as . . . general policy and procedure making” and Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from its definition of “project.”

The City Council is also asked to find that, even if this action were subject to CEQA, it would be exempt based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Fiscal Impact

Sufficient funds to support this project are included in the City’s budget.

Documents Available for Review

Related documents – including the proposed ordinance and the Laguna Woods Municipal Code – are available for public review at or from City Hall during normal working hours. The Laguna Woods Municipal Code is also available for review at www.cityoflagunawoods.org.

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

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ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 8.06 OF TITLE 8 (TRAFFIC CONTROL) OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO VEHICLE, GOLF CART, LOW-SPEED VEHICLE, AND MOTORCYCLE RACING AND NOISE, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, staff has recommended amending Chapter 8.06 of Title 8 of the Laguna Woods Municipal Code (“Code Amendments”) in order to codify new regulations that the Orange County Sheriff’s Department has indicated would help address street racing and excessive vehicle noise on public streets; and

WHEREAS, the City contracts with the Orange County Sheriff’s Department to provide law enforcement services within Laguna Woods, including traffic enforcement; and

WHEREAS, on January 17, 2024, the City Council held a duly noticed public hearing on this Ordinance 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, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that this action is not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable

indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guidelines Section 15378(b)(2) excludes “[c]ontinuing administrative. . . activities, such as . . . general policy and procedure making” and Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from its definition of “project.”

After reviewing the entire project record, the City Council also hereby determines and certifies that that, even if this action were subject to CEQA, it would be exempt based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 3. Chapter 8.06 of the Laguna Woods Municipal Code is hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) calendar days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, 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 of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The Mayor shall sign this Ordinance.

SECTION 7. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 8. 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 2024.

NOEL HATCH, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

ALISHA PATTERSON, City Attorney

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 24-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2024, and that thereafter, said Ordinance was duly adopted and passed at an adjourned regular meeting of the City Council on the XX day of XX 2024 by the following vote to wit:

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

YOLIE TRIPPY, CMC, City Clerk

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**EXHIBIT A
CODE AMENDMENTS**

Section 8.06.020 (“Racing”) is hereby added to Chapter 8.06 (“Vehicle Operation”) of Title 8 (“Traffic Control”) of the Laguna Woods Municipal Code to read as follows:

Sec. 8.06.020 - Racing.

No person while operating any vehicle, golf cart, low-speed vehicle, or motorcycle, as those terms are defined in California Vehicle Code, shall engage in any speed contest, or game of “follow the leader,” “hare and hound,” or any other similar game or contest on any public street. For the purpose of this section, “speed contest” shall have the same meaning as the term “motor vehicle speed contest” is defined in California Vehicle Code, as amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of “motor vehicle speed contest” was set forth in California Vehicle Code § 23109(a).

Section 8.06.030 (“Noises”) is hereby added to Chapter 8.06 (“Vehicle Operation”) of Title 8 (“Traffic Control”) of the Laguna Woods Municipal Code to read as follows:

Sec. 8.06.030 - Noises.

No person shall make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any neighborhood or person as a result of operating any vehicle, golf cart, low-speed vehicle, or motorcycle, as those terms are defined in California Vehicle Code; nor shall any person race the motor of any vehicle, golf cart, low-speed vehicle, or motorcycle or needlessly bring to a sudden start or stop any vehicle, golf cart, low-speed vehicle, or motorcycle so as to annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of any neighborhood or person by noise made, continued, or caused by such vehicle, golf cart, low-speed vehicle, or motorcycle.

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9.1 OBJECTIVE DESIGN STANDARDS

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: January 17, 2024 Regular Meeting

SUBJECT: Objective Design Standards

Recommendation

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 11.10.010, 11.10.020, 11.10.030, 11.10.050, 11.10.060, 11.10.100, 11.10.110, 11.10.120, AND 11.10.130 OF TITLE 11 (PLANNING AND DEVELOPMENT) OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OBJECTIVE DESIGN STANDARDS FOR CERTAIN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Background

The Fiscal Years 2023-25 Budget & Work Plan includes the following significant work plan item:

“Objective Design and Development Regulations – Adopt objective design and development regulations for new and redevelopment projects (e.g., architectural and landscape standards). Regulations applicable to housing projects will not conflict with California Senate Bill 9 (Atkins, Chapter 162, Statutes of 2021).”

California Government Code sections 65913.4 and 66300(a)(7) generally define objective design standards as standards that involve no personal or subjective judgment by [cities] and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the [city] before submittal.

State legislation, including California Senate Bill 35 (Wiener, Chapter 366, Statutes of 2017), California Senate Bill SB 330 (Skinner, Chapter 654, Statutes of 2019), and California Senate Bill 9 (Atkins, Chapter 162, Statutes of 2021) prevents cities from applying non-objective design standards to housing development projects.

The Fiscal Years 2023-25 Budget & Work Plan also includes the following significant work plan item:

“Crime Prevention through Environmental Design Regulations – Adopt Crime Prevention through Environmental Design (“CPTED”) regulations related to the design and maintenance of the built environment (new development, redevelopment, and existing properties) in order to prevent criminal activity and enhance quality of life.”

At the regular meeting on November 15, 2023, the City Council unanimously adopted Ordinance No. 23-04, which added Chapter 11.10 (Objective Design Standards) to the Laguna Woods Municipal Code. Ordinance No. 23-04 took effect 30 days thereafter on December 15, 2023.

At the regular meeting on December 20, 2023, the City Council conducted a public hearing and voted 4-0, with Councilmember Moore absent, to approve the introduction and first reading of the ordinance included with this agenda report as Attachment A.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on proposed amendments of the Laguna Woods Municipal Code pertaining to objective design standards for certain new development and redevelopment projects (Attachment A). Staff recommends that the City Council adopt the proposed amendments in order to continue the process of establishing uniform and predictable expectations for the design of development projects, including expectations that can be lawfully applied to qualifying housing developments

pursuant to applicable state legislation.

The proposed amendments would build upon the objective design standards adopted by Ordinance No. 23-04 and represent only an initial step in the process of establishing objective design standards. Staff recognizes that much remains to be done to fully capture and codify the City's design expectations. As was discussed during consideration of Ordinance No. 23-04 and the Fiscal Years 2023-25 Budget & Work Plan, an architect will be retained to assist with the development of comprehensive objective design standards.

The proposed amendments are intended to serve an interim purpose of establishing baseline (or, "starter") objective design standards for use during the development of comprehensive objective design standards. Staff believes this is a critical step for the City as new development projects may arise at any time and the process of developing comprehensive objective design standards is likely to be lengthy.

The proposed amendments would also begin the process of integrating CPTED concepts into the City's development regulations (e.g., regulations pertaining to access control, security cameras, and visibility into elevator cabs).

Environmental Review

The City Council is asked to find that this action is not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively "CEQA") pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

The City Council is also asked to find that, even if this action were subject to CEQA, it would be exempt based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Fiscal Impact

Sufficient funds to support this project are included in the City's budget.

Documents Available for Review

Related documents – including the proposed ordinance, Ordinance No. 23-04, and the Laguna Woods Municipal Code – are available for public review at or from City Hall during normal working hours. Ordinance No. 23-04 and the Laguna Woods Municipal Code are also available for review on the City’s website at www.cityoflagunawoods.org.

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

ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 11.10.010, 11.10.020, 11.10.030, 11.10.050, 11.10.060, 11.10.100, 11.10.110, 11.10.120, AND 11.10.130 OF TITLE 11 (PLANNING AND DEVELOPMENT) OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OBJECTIVE DESIGN STANDARDS FOR CERTAIN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, staff has recommended amendments of sections 11.10.010, 11.10.020, 11.10.030, 11.10.050, 11.10.060, 11.10.100, 11.10.110, 11.10.120, and 11.10.130 of Title 11 (Planning and Development) of the Laguna Woods Municipal Code (“Code Amendments”) pertaining to objective design standards for certain new development and redevelopment projects. The objective design standards are intended to establish uniform and predictable expectations for the design of development projects, including expectations that can be lawfully applied to qualifying housing developments pursuant to applicable state legislation; and

WHEREAS, on December 20, 2023, the City Council held a duly noticed public hearing on this Ordinance 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, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that this Ordinance is not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of

the California Code of Regulations (collectively “CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

After reviewing the entire project record, the City Council also hereby determines and certifies that that, even if this Ordinance were subject to CEQA, it would be exempt based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 3. Sections 11.10.010, 11.10.020, 11.10.030, 11.10.050, 11.10.060, 11.10.100, 11.10.110, 11.10.120, and 11.10.130 of Title 11 (Planning and Development) 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 4. This Ordinance shall take effect and be in full force and operation thirty (30) calendar days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, 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 of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The Mayor shall sign this Ordinance.

SECTION 7. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 8. 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 2024.

NOEL HATCH, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

ALISHA PATTERSON, City Attorney

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 24-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2023, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2024 by the following vote to wit:

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

YOLIE TRIPPY, CMC, City Clerk

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**EXHIBIT A
CODE AMENDMENTS**

Section 11.10.010 (“Purpose and intent”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining):

Sec. 11.10.010 - Purpose and intent.

The purpose and intent of this chapter is to establish design standards that (i) involve no personal or subjective judgment by the City of Laguna Woods, (ii) are uniformly verifiable by reference to an external and uniform benchmark or criterion available, and (iii) are knowable by development applicants, project proponents, and the City of Laguna Woods before submittal. The design standards set forth herein are specifically intended to foster development within the City of Laguna Woods that enhances the area’s aesthetics, character, and sense of place. The design standards are also specifically intended to integrate Crime Prevention through Environmental Design (“CPTED”) standards.

Section 11.10.020 (“Definitions”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike-through~~):

Sec. 11.10.020 - Definitions.

For purposes of this chapter only, the following definitions shall apply, in addition to those set forth in Chapter 1.02 of this Code:

(05) *Arched* shall mean having a vertical curve where the height of the curve is either (1) exactly half of the width of the curve, or (2) shorter in height than the actual curve.

(10) *Awning* shall mean an architectural projection that provides weather protection, building identity, or decoration, and is wholly supported by the building to which it is attached. An awning is often comprised of a lightweight frame structure over which a cover is

attached.

(15) *Balcony* shall mean an external extension of an upper floor of a building, enclosed by a screen, balusters, or railings.

(20) *Balustrade* shall mean multiple balusters supporting a railing on a balcony.

(25) *Baluster* shall mean a post, upright support, or vertical piece that supports a railing on a balcony.

(30) *Building* shall have the same meaning as the term is defined in Section 13.06.010(c)(130) of this Code, as amended from time to time or replaced with a successor statute.

(35) *Carport* shall mean any parking area that is wholly or partially covered by a structure of any kind.

~~(3540)~~ *Cavity wall* shall mean a wall built of masonry units or of concrete, or a combination of these materials, arranged to provide an airspace within the wall, and in which the inner and outer parts of the wall are tied together with metal ties

~~(4045)~~ *Clerestory* shall mean an upper story or row of windows rising above the adjoining parts of the roof, designed to admit light into the inner space of a building.

~~(4550)~~ *Cornice* shall mean the uppermost division of an entablature; a projecting shelf along the top of a wall supported by a series of brackets; the exterior trim at the meeting of a roof and wall, consisting of soffit, fascia, and crown molding.

~~(5055)~~ *Dry-stacked, surface-bonded wall* shall mean a wall built of concrete masonry units where the units are stacked dry, without mortar on the bed or head joints, and where both sides of the wall are coated with a surface-bonding mortar.

~~(5560)~~ *Exterior* shall mean any outer surface that is or would be visible from any point outside the parcel on which it is located assuming topography was flat and no other buildings, structures,

fences, walls, landscaping, or similar visual obstructions were present.

(~~60~~65) *Façade* shall mean any single face of a building.

(~~65~~70) *Glass curtain walls* shall mean aluminum- or other metal-framed window systems that are non-structural and house glass panels.

(~~70~~75) *Gross floor area* shall have the same meaning as the term is defined in Section 13.06.010(c)(420) of this Code, as amended from time to time or replaced with a successor statute.

(~~75~~80) *Landscape professional* shall mean a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape pursuant to sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, or Section 6721 of the California Food and Agriculture Code, as amended from time to time or replaced with a successor statute

(~~80~~85) *Light box sign* shall mean an illuminated sign that contains mechanisms to encapsulate, suspend, protect and/or display a discrete sheet of backlit film which may include images and/or text, and which is designed to transmit light through the film for increased image brightness, contrast, and/or color saturation.

(~~85~~90) *Neutral color* shall mean a color that is not considered a primary color on any one or more of the following color models: CIE, CMYK, HEX, HSB, HSL, or RGB.

(~~90~~95) *Parapet* shall mean a low protective wall or railing along the edge of a roof, balcony, or similar structure; in an exterior wall, the part entirely above the roof.

(~~95~~100) *Pilaster* shall mean a partial pier or column, often with a base, shaft, and capital, that is embedded in a flat wall and projects slightly; may be constructed as a projection of the wall itself.

(~~100~~105) *Roof deck* shall mean the flat or sloped surface constructed

on top of the exterior walls of a building or other supports for the purpose of enclosing the story below, or sheltering an area, to protect it from the elements, not including its supporting members or vertical supports.

~~(405~~110) *Roof covering* shall mean the covering applied to the roof deck for weather resistance, fire classification, or appearance.

~~(410~~115) *Structure* shall have the same meaning as the term is defined in Section 13.06.010(c)(790) of this Code, as amended from time to time or replaced with a successor statute.

~~(445~~120) *Wall* shall mean a vertical element with a horizontal length-to-thickness ratio greater than three, used to enclose space, whether load bearing or not. “Wall” specifically includes, but is not limited to, cavity walls, dry-stacked, surface-bonded walls, and parapets.

~~(420~~125) *Wall plane* shall mean the surface area that extends from the ground to the top of each wall. “Wall plane” specifically includes, but is not limited to, portions of walls located under eaves and overhangs. Where a single building has multiple wall planes along a single façade, the wall planes are additive and shall be considered a single wall plane.

Section 11.10.030 (“Applicability”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining):

Sec. 11.10.030 - Applicability.

(a) This chapter shall apply to the following projects:

(1) New construction of any building or structure with a gross floor area equal to or in excess of 25 square feet.

(2) New construction of any trash enclosure, or expansion of any existing trash enclosure equal to or in excess of 25 square feet.

(3) New construction of any generator or similar on-site energy source, or expansion of any existing structure housing a generator or similar on-site energy source equal to or in excess of 10 square feet.

(4) “Developments” as that term is used in California Government Code Section 65913.4, as amended from time to time or replaced with a successor statute.

(5) “Housing development projects” as that term is used in California Government Code Section 65589.5, as amended from time to time or replaced with a successor statute.

(b) This chapter shall not apply to the following projects:

(1) Projects not listed in subsection (a) above.

(2) Wireless facilities subject to Section 13.26.210 of this Code.

(3) Projects undertaken by an independent special district, school district, or other governmental agency when applicable law precludes the applicability of objective design standards.

(4) Projects undertaken by the City, or undertaken on City-owned property, when the plans for such projects are subject to discretionary approval by the City Council.

(5) Projects that received planning approval by the City Council or City staff prior to January 31, 2024.

Section 11.10.050 (“Prohibited design elements”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike-through~~):

Sec. 11.10.050 - Prohibited design elements.

The following design elements are prohibited:

(1) Bars installed on the exterior of a building or structure, when such

bars (i) are located on or extend over any door, window, gate, or other openable, transparent, semi-transparent, or not fully opaque fixture or surface, and (ii) are spaced less than 10 inches apart.

(2) Roll-up or rolling exterior doors, except when used for vehicular points of ingress or egress (e.g., entrances to parking garages) or for facilities located in the Residential Community-Maintenance overlay zoning district.

(3) Chain link, plastic, vinyl, or woven wire fencing or gates including, but not limited to, fencing or gates of any kind with plastic or vinyl privacy inserts, except for temporary fencing during construction when permitted by the City.

(4) Barbed tape, barbed wire, wire, razor wire, and similar security treatments on the exterior of a building or structure, or used with or for fencing or gates, except when used in connection with a civic, fire, or police building or structure.

(5) Electrical conduits or raceways visible from the exterior of a building or structure, whether such electrical conduits or raceways are located on the interior or exterior of a building or structure.

(6) Unfinished metal or wood surfaces (e.g., plywood) on the exterior of a building or structure, or used with or for fencing or gates.

(7) Fluorescent, luminescent, neon, or sparkling paint or similar adhesive, dye, or pigment that, after application to a material, adds color, on the exterior of a building or structure, or used with or for fencing or gates.

(8) More than ~~two~~ three colors of paint or similar adhesive, dye, or pigment that, after application to a material, adds color, on any single exterior wall pane, including all doors, windows, balustrade, balusters, and surfaces on that wall, or any single fence or gate.

(9) More than one color of glass within any single exterior window on a building or structure (gradients of color shall be considered multiple colors), or more than two colors of glass within all exterior windows on any single exterior wall pane.

- (10) Light box signs installed on the exterior of a building or structure, except for light box signs that are not visible from public right-of-way or located within 40 feet of any residential zoned parcel.
- (11) Glass curtain walls installed as part of any exterior wall system.
- (12) Wood shingle or shake roofs.

Section 11.10.060 (“Design standards for all projects”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

Sec. 11.10.060 - Design standards for all projects.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to all projects:

(1) *Driveways; Public Streets.* Driveways providing ingress or egress to public streets, if any, shall be constructed in accordance with County of Orange OC Public Works Department Standard Plan #1209, as may be amended from time to time or replaced with a successor standard plan. To the extent that reconstruction of driveways and/or adjacent sidewalks is required to comply with this subsection, such reconstruction shall be undertaken (i) at no cost to the City, (ii) after obtaining all necessary City permits and permits from other government agencies, and (iii) in accordance with the terms and conditions of all City permits required to conduct work on, or reconstruct, property under the control, operation, or management of the City (if applicable). To the extent that such reconstruction results in any discrepancy between the new driveway and/or new adjacent sidewalk and the City’s existing public street easements or right-of-way, such discrepancy shall be resolved prior to occupying any newly constructed or expanded buildings or structures the result of which requires compliance with this chapter.

(2) *Elevators.* Elevator cabs, the interiors of which are not completely visible when the door is open from a point centered on and 36 inches

away from the door, shall have shatter resistant mirrors or other equally reflective material so placed as to make visible the entire elevator cab from this point. Elevator cabs, which serve more than two floors, shall have clear glazing installed in at least 40 percent of one wall to provide visibility into the elevator cab from a common or public area.

(23) *Flat Roofs*. Parapets measuring at least 36 inches in height, shall be provided around the perimeter of flat roofs. Interior sides of parapets shall ~~(1) not be visible from public right-of-way and (2)~~ be finished in the same color and material as the exterior sides thereof.

(4) *Pedestrian Connectivity*. All building entryways and exits, curb ramps, gates, trash enclosures, designated bicycle parking areas, and vehicle parking areas shall be internally connected with a minimum four-foot-wide pedestrian pathway or pathway network that may include use of any public sidewalks. Such pedestrian pathway or pathway network shall be comprised of any one or more of the following: (i) asphalt, concrete, stone, and/or brick pavement or pavers, and/or (ii) stabilized decomposed granite.

(5) *Security Cameras*. Projects that include the addition of any new building(s) shall install and maintain a video surveillance system which shall continuously record the exterior of all new building entry and exit doors, parcel locker and mailbox doors, and designated bicycle parking. Footage from such video surveillance system shall be retained on a cloud-based server or otherwise off-site for at least 90 calendar days. For residential developments and housing developments, this provision shall not apply to roll-up or rolling exterior doors, doors that provide access to balconies, or doors that provide access from a single dwelling unit to a private yard for that same dwelling unit, provided the private yard is enclosed on all sides by fences and/or walls of at least six feet in height and all doors and gates within such fences and walls require the use of a key, code, or other access control technology to gain entry.

(36) *Scale*. For buildings greater than two stories, the wall planes of the third and subsequent stories shall be recessed at least five feet from the wall plane of the second story.

(7) Skylights. Skylights shall have a flat profile rather than an arched, domed, pyramid, or other profile.

(48) *Windows; Privacy.* Where windows are located within 10 feet of one another on separate buildings, they shall be ~~(4)~~ not capable of opening or ~~(2)~~ clerestory with a minimum height of six feet.

Section 11.10.100 (“Design standards for residential projects”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

Sec. 11.10.100 - Design standards for residential projects.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to residential developments and housing developments:

(1) Access Control. In buildings containing, or located on a parcel with, two or more dwelling units, doors or gates that provide access from the exterior to any elevator, entryway, hallway, lobby, stairwell, or other common area (e.g., laundry rooms, pools, and recreation facilities), whether inside or outside, shall require the use of a key, code, or other access control technology to gain entry. All doors or gates subject to this provision shall also be subject to the security camera requirements set forth in Section 11.10.060(4), regardless of whether such doors or gates are explicitly specified therein.

(2) Garage Doors. Garage doors shall be recessed a minimum of six inches from the wall pane on which they are located.

~~(13)~~ *Roofs.* At least 60 percent of roof decks for buildings, carports, and garages shall include a roof covering of clay or terracotta tile in either a Spanish (S-shaped) or Mission (half cylinder) shape, in a color marketed either in whole or in part as a red color, with overhanging eaves of at least 24 inches.

~~(24)~~ *Walls.* At least 80 percent of walls for buildings, carports, and garages shall include an outer surface of stucco or plaster siding, in a

neutral color, except that colors marketed either in whole or in part as a black or gray color shall not be considered neutral colors for the purpose of this provision. No wall shall extend horizontally more than ~~40-30~~ feet in length without ~~(4i)~~ at least a two-foot variation in depth in the wall plane; which may be met through the use of ~~design features including, but not limited to, bays, fireplaces, overhangs, porches, stoops, and trellises,~~ elevation plane changes, insets, bays, notches, or protrusions, and ~~(2ii)~~ the use of one or more articulating design features that are projected or recessed from the wall plane by at least one foot; which may be met through the use of design features including, but not limited to, arches, awnings, balconies, canopies, columns, cornices, fireplaces, glazing, overhangs, pilasters, ~~and trellises,~~ but not lighting fixtures, signs, or trellises.

~~(35)~~ *Windows.* Exterior windows shall be recessed at least two inches from the wall plane on which they are located. At least 30 percent of exterior windows (excluding clerestory) on each wall plane shall be contained within arched openings.

~~(46)~~ *Wood Elements.* The outer surface of wood elements (e.g., rafter tails) shall be in a darker shade of color than any outer surface of the stucco or plaster siding on directly abutting or adjoining walls.

Section 11.10.110 (“Design standards for trash enclosures”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

Sec. 11.10.110 - Design standards for trash enclosures.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to trash enclosures:

(1) *Accessible Path of Travel.* An accessible path of travel with a minimum four-foot-width that complies with California Building Standards Code requirements shall be provided between trash enclosures and the buildings served.

(2) *Open Air Gaps.* Trash enclosures may have open air gaps between

roofs and underlying walls/doors/access points provided any such gap does not exceed 14 inches. For the purpose of this subsection, metal screens and similar stationary, non-opaque elements installed between roofs and underlying walls/door/access points shall not be considered open air gaps when the openings in such stationary, non-opaque elements do not exceed 1 inch in length by 1 inch in width.

(3) *Roofs*. Roof coverings shall be the same color and material as any of the other roof on any building or structure on the parcel, or shall be made of solid corrugated metal painted with a single-color rust-inhibitive paint (gradients of colors shall be considered multiple colors).

(4) *Signage*. When more than one trash enclosure is located on a single parcel, trash enclosures shall identified by a one or two character number, letter, or combination of letters or numbers assigned by the City and posted in a manner consistent with the requirements for new building address identification in the California Building Standards Code, except that such identification shall only be required to be visible from the exterior of the trash enclosure, not from the street or road fronting the property. When applicable, trash enclosures serving residential developments and housing developments, either in whole or in part, shall include a sign measuring at least 8.5 inches x 11 inches, or 11 inches x 8.5 inches, describing how residents can avail themselves of bulky item collection services offered at no additional charge through the City's solid waste handling services franchise.

(45) *Screening*. Trash enclosures shall be enclosed by a roofed structure with opaque walls and access point(s).

(56) *Walls and Doors*. Walls shall be made of solid, split face or stuccoed, concrete masonry units that are the same color and material as any of the fences or other walls on the parcel. All doors and other access points shall be capable of locking to prevent unauthorized entry and, within three seconds of opening, shall activate an interior (under roof) motion activated light-emitting diode (LED) light. Doors and other access points shall be the same color as any of the other exterior doors on the parcel. Landscaping shall be used to screen at least 60 percent of walls, except when surrounded on all

sides by parking facilities.

Section 11.10.120 (“Design standards for vehicle parking areas”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

Sec. 11.10.120 - Design standards for vehicle parking areas.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to vehicle parking areas:

~~(1) *Roofs.* Roof coverings shall be the same color and material as any of the other roof on any building or structure on the parcel, or shall be made of solid corrugated metal painted with a single color rust-inhibitive paint (gradients of colors shall be considered multiple colors).~~

(21) *Vehicle Light Intrusion.* Where vehicle parking spaces are located within 20 feet of any open space-passive or residential zoned parcel, they shall be screened from the open space-passive or residential zoned parcel by an opaque wall a minimum of six feet in height; which may be met through the use of design features including, but not limited to, carports or garages. Landscaping shall be used to screen at least 60 percent of walls, except when surrounded on all sides by parking facilities.

Section 11.10.130 (“Alternative design standards”) of Chapter 11.10 (“Objective Design Standards”) of Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining):

Sec. 11.10.130 - Alternative design standards.

Alternative provisions to any of the objective design standards established by this chapter may be permitted subject to the approval of a use permit application approved in compliance with the provisions of this Code or, in the event of a demonstrated financial hardship that would result in a

project's infeasibility to construct or operate, by approval of the City Council.