

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
June 19, 2013
2:00 P.M.

I. CALL TO ORDER

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

II. FLAG SALUTE

Councilmember Hack led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Hatch, Hack, Robbins, Ring
 ABSENT: Conners

STAFF PRESENT: City Manager Keane; Public Safety Director Macon; Deputy City Clerk Donohue; City Attorney Cosgrove, Planning Manager Kurnow, Assistant City Manager Reilly

IV. PRESENTATIONS

None

V. CITY COMMENDATIONS AND PROCLAMATIONS

None

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, 1 absent (Councilmember Conners) and carried to approve Consent Calendar Items 6.1 – 6.8.

6.1 Approved the minutes the May 1, 2013 adjourned regular meeting and the May 15, 2013 regular meeting.

6.2 Approved the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by title only and further reading waived.

6.3 Treasurer's Report

Received and filed the May 2013 monthly Treasurer's Report.

6.4 Warrant Register

Approved the June 19, 2013 Warrant Register in the amount of \$941,031.34

6.5 Fiscal Year 2012-13 Budget Adjustments

- A. Transferred \$12,500 from the Council Contingency Account to the City Hall Building Maintenance account.
- B. Transferred \$283,407 from the Unallocated General Fund Balance to the City Hall Special Fund.

6.6 Notice of Completion – El Toro Road/Aliso Creek Road Improvement Project

- A. Accepted the project completion of a contract with Yakar, Inc. for the El Toro Road/Aliso Creek Road Improvement Project.
- B. Released contract retention in the amount of \$36,126.70 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange.
- C. Exonerated project posted bond 35 days following recordation of the Notice of Completion with the County of Orange.

6.7 Local Hazard Mitigation Plan Amendment

Approved a resolution amending the City's 2013-2017 Local Hazard Mitigation Plan, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING THE 2013-2017 CITY OF LAGUNA WOODS LOCAL HAZARD MITIGATION PLAN

6.8 City Hall Parking Lot/Storm Drain Project

Awarded a contract to Scorpion Backhoe, Inc. in the amount of \$68,854.36, and authorized the City Manager to execute the contract and approve change orders not to exceed 10% of the base amount, subject to approval as to form by the City Attorney.

Councilmember Connors entered the meeting at 2:10 p.m.

Councilmember Hatch asked why there was such a large discrepancy in the Storm Drain Project bids between Scorpion Backhoe and the rest of the bidders.

City Manager Keane replied that the City often gets a wide spread of bids. She noted that some companies believe they understand the project better than other companies.

Mayor Pro Tem Robbins stated that his personal experience has found that there is

always a wide discrepancy of bids.

City Manager Keane noted that the City does a careful check of the lowest bidder and the City does not anticipate any problems with this project.

VII. PUBLIC HEARING

7.1 General Plan amendment GPA-900 – Circulation Element

Assistant City Manager Reilly presented a PowerPoint presentation detailing the amendment to the circulation element. He noted that the Public Safety and Land Use and Design Review Committees both recommended approval of this amendment.

City Manager Keane noted that the City is adding a new roadway classification so the circulation element so that it will be in conformance the Master Plan of Arterial Highways (MPAH) and that City will have options in the future.

Mayor Ring stated that Lake Forest Drive now goes through to Laguna Canyon Road and that saves motorist's time and avoids traffic congestion.

The public hearing was opened

Kathryn Freshley, Resident, asked if the roadways are easements and if that is what the City is considering changing.

City Manager Keane replied that some roadways are easements and some are owned in fee.

Assistant City Manager Reilly noted that Santa Maria is an easement.

Ms. Freshley asked if the fact that it is an easement will create any issues for the City and residents.

City Manager Keane replied that the MPAH shows Santa Maria extended through the Laguna Laurel property to Laguna Canyon Road. She noted that the City could have always prohibited the roadway expansion from connecting with the existing portion, but that it would have lost some of its Measure M funding. Removal of the roadway from the MPAH solves that problem.

Ms. Freshley asked if the portion of the Santa Maria easement beyond the end of the roadway could be relinquished to the Village.

City Manager Keane replied that the City does have control of the easement area on which the GRF nursery is located; the site is leased on a month to month basis.

Ms. Freshley noted that a park open to the public between two areas of Third Mutual property would be problematic.

Councilmember Connors noted that a park would be for the community and that people walking out of Village gates 10 and 11 could walk straight into the wilderness.

Ms. Frehsley expressed concern that the area would be open to people outside of the gated community.

City Manager Keane replied that the City could limit the parking so that the area is similar to a trailhead rather than a public park. She also noted that when the City annexed the Laguna Laurel property, the City agreed to cooperate with the construction of a park entry.

The public hearing was closed.

City Manager Keane noted that the elimination of the Santa Maria extension was an incorporation goal.

Mayor Ring stated that this is great news for the community and that accomplishing this goal required the cooperation from the Cities of Irvine, Lake Forest and Laguna Hills as well as the County of Orange and the Irvine Company.

Councilmember Hatch asked if the 40 mile an hour speed limit is currently in effect on both sides of the street on Santa Maria, including the portion owned by Laguna Hills.

City Manager Keane replied that it is.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to approve Resolution 13-07 amending the circulation element of the Laguna Woods general plan, entitled:

A RESOLUTION OF THE CITY COUNCIL OF LAGUNA WOODS,
CALIFORNIA, APPROVING AN AMENDMENT TO THE CIRCULATION
ELEMENT OF THE LAGUNA WOODS GENERAL PLAN

VIII. CITY COUNCIL

None

IX. CITY MANAGER

9.1 Aggressive Solicitation Regulations

City Manager Keane summarized the staff report and presented a PowerPoint on the proposed new regulations. She noted that the Public Safety and Land Use Committees approved the proposed regulations and suggested adding language that would prevent solicitation in parking lots available to the public between 6:00 p.m. and 7:00 a.m.

City Attorney Cosgrove noted that he understood there was some concern that the drafted ordinance would not go far enough to remediate the problems. If challenged in court, the

ordinance would face a three part test that includes: whether the ordinance is narrowly tailored to achieve government objectives, if it serves significant government interests, and whether it leaves open ample alternative means for communication. He referenced a case in the City of Arcadia mentioned by the City manager where the prohibition was extended to private parking lots and was not upheld in court.

Councilmember Hatch asked if the City has enough factual background such as complaints to justify adopting this ordinance.

City Attorney Cosgrove believes the City can make findings that can help with the adoption of this ordinance. These findings include the average age of 78 for a resident of the City and the vulnerability of residents who may be carrying money after making business transactions.

City Manager Keane also noted that the Sheriff's department does receive complaints about solicitation in the City and that the Valencia Center sent a letter asking the City to intervene.

Councilmember Hack expressed his support for the ordinance. He stated that the community is very vulnerable and it is important to protect the City's residents.

City Manager Keane noted that this ordinance is geared towards people who are asking for money and does not restrict other forms of free speech.

Councilmember Connors expressed concern over adopting the ordinance because she does not believe that it will be easily enforceable.

City Manager Keane replied that this ordinance will give business owners a "tool" to enforce this law by asking solicitors to move.

Councilmember Hatch asked how staff arrived at the decision of 10 feet from the financial businesses.

City Attorney Cosgrove replied that it is a judgment call and was considered a sufficient enough zone for personal safety.

Councilmember Hatch asked about the "open parking lot" term as opposed to "privately owned parking lot".

City Attorney Cosgrove replied that if the Council wants to extend the prohibition as recommended by the advisory committees, the ordinance should be amended to say in any parking area accessible to the public.

Councilmember Hatch asked what would qualify as an infraction in the ordinance.

City Attorney Cosgrove replied that an infraction is just a finable offense. He stated the idea is to give law enforcement a tool to enforce the ordinance.

City Manager Keane noted that the citation penalty refers back to an Administrative Code section in the City's Municipal Code.

Councilmember Connors noted that she finds it odd that people who are out begging for money will be penalized with an infraction that will require them to pay a fine that they probably cannot afford.

City Manager Keane replied that the Sheriff's department has informed staff that some panhandlers earn a significant amount of money.

Councilmember Connors asked if the City's Police Chief believes this ordinance will help in the long run.

City Manager Keane replied that the Police Chief has gone on record stating that this ordinance will give his officers another tool to deal with aggressive panhandling. In addition, County Council has confirmed that the Sheriff's Department can enforce the proposed restrictions.

Mayor Ring asked if this ordinance will help remove a family who is always around the driveway/sidewalk near Home Depot because there is a sign that says public right-of-way.

City Manager Keane replied that it will not unless the family is in the parking lot after dark, blocking the sidewalk area or otherwise in violation of the regulations.

City Attorney Cosgrove clarified that the proposed ordinance defines public rights-of-way where solicitation is prohibited as designated travel lanes of public roadways or bicycle lanes.

City Manager Keane noted that regulations in the City of Redondo Beach were struck down by the court because they prohibited soliciting on sidewalks.

Moved by Councilmember Connors, with the addition of a prohibition of solicitation in parking lots after dark, seconded by Councilmember Hatch, and carried unanimously to approve introduction and first reading of an ordinance establishing a policy with respect to reasonable accommodation for persons with disabilities entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
ESTABLISHING REGULATIONS RESTRICTING AGGRESSIVE
SOLICITATION

9.2 Annual General Plan Progress Report

City Manager Keane noted that this is the annual report on the progress the City has made regarding the general plan and introduced Planning Manager Kurnow.

Planning Manager Kurnow presented a PowerPoint presentation on the annual general plan progress report for calendar year 2012. He noted that 86% of general plan policies

are implemented or ongoing and 14% of GP policies are partially or not yet implemented.

Councilmember Hatch asked if the City ever reaches a time when old items in the plan are taken out.

City Manager Keane replied that such items are not removed until the general plan is modified.

Moved by Councilmember Hack, seconded by Councilmember Connors and carried unanimously to approve the 2012 General Plan Annual Progress Report.

9.3 City Manager's Proposed Fiscal Year 2013-14 All Funds Budget

City Manager Keane gave a PowerPoint presentation of the proposed 2013-14 fiscal year all funds budget, which totals \$7,077,541.

Councilmember Hack expressed concern over the comprehensive update of the General Plan before a new City Manager is brought on board.

City Manager Keane noted that comprehensive updates of the entire general plans would take 18 to 20 month to complete, but that the safety element must be completed by the end of the calendar year or the City will be out of conformance with an approved Community Development Block Grant. She noted the consultant for the general plan would first look at the current law and any general plan deficiencies, and that it is not anticipated that any substantive work would be started until February 2014.

Councilmember Hatch asked if it was possible to have the consultant for the general plan attend a meeting and make a presentation to Council. He believes it is important to have the input of the new City Manager for the entire general plan update process.

City Manager Keane replied that Council could either delete funding for this project or leave it in or direct staff not to initiate the project until further approval is given. She noted that the consultant could come in and make a presentation to the Council in a public forum to detail what the general plan process involves.

Councilmember Hatch stated that when he was at the Golden Rain Foundation (GRF) each company placing a bid would make a presentation so that the board could weigh their options. He would like to see the two companies who made bids for the general plan update make a presentation to Council.

City Manager Keane replied that one bidder was unresponsive so the City was left with only one responsive consultant.

Councilmember Hatch asked if the City has to go with that bidder.

City Manager Keane stated the City could bid out the project again, but there is an issue with time since the safety element must be completed by the end of the year.

Councilmember Hack asked about the grant which requires the safety element update.

Public Safety Director Macon replied that the grant totals \$250,000 and the City anticipates spending \$30,000 to \$40,000 on the safety element.

Councilmember Conners stated that it does not seem wise to start the groundwork for the comprehensive general plan update without the new City Manager on board, and that the City might have need for the \$300,000 that has been set aside for other unforeseen City needs in the future. She suggested that Council commit to completing only the safety element update for now.

Councilmember Hatch asked if the safety element will have to be revisited when the rest of the comprehensive update is complete.

City Manager Keane replied that it depends on how much time goes by following its completion, but it is likely.

Mayor Ring suggested that Council complete only the safety element, which is grant funded, and remove the \$300,000 for the entire comprehensive update from the budget.

City Manager Keane noted that one of the reasons staff was recommending work on the entire general plan related to the Laguna Woods Village specific plan. Staff suggested incorporating specific plan changes in a comprehensive update rather than a piecemeal update of individual elements. This would be more cost effective for both GRF and the City.

Councilmember Conners stated that although it would be nice to save GRF money, the general plan modifications associated with the specific plan benefit them and they should be responsible for those costs.

City Attorney Cosgrove reminded the Council of the state mandated update of the housing element that is due no later than October.

Councilmember Hack stated his support for removing the \$300,000 from the budget for the comprehensive update. He noted that there could be specific allocations for incremental pieces of the plan as they needed to be updated.

Berton Moldow, Resident, expressed concern over the fact that the Council believes other staff are not competent to fill in the City Manager's absence. He asked what the term "utilities" entails in the budget.

City Manager Keane replied that the utilities account contains costs for gas, electric, and water.

Mr. Moldow asked what the account "street lighting residential" entails.

City Manager Keane replied that it is the account where the cost for street lights owned and/or maintained in the Village are included.

Councilmember Connors stated that the City has considered upgrading the lights to make them more energy efficient.

City Manager Keane noted that the grant for that project was turned back at the Council's direction.

It was the unanimous consensus of the Council that funding (\$300,000) for the proposed general plan comprehensive update be removed from the proposed Fiscal Year 2013-14 budget.

Councilmember Connors raised concern over the cafeteria benefit increase that is included in the upcoming budget (\$100/per month for a total of \$10,800). She stated that she does not feel comfortable increasing benefits in the current economic climate.

City Manager Keane noted that in several instances, the cafeteria benefit does not cover the cost entire of an employee's basic health insurance and that the cafeteria benefit is covers all of the employee's benefit choices – life insurance, medical/dental/vision insurance, tuition reimbursement and professional equipment.

Mayor Ring asked if the \$1,000 cafeteria benefit is only for full-time employees and what qualifies as a full-time or a part-time employee.

City Manager Keane replied that the benefit is only for full-time employees and all of the City's part-time employees work less than 19 hours a week.

Councilmember Connors stated that throughout her career her employers have never paid her full health benefit and she has been responsible for paying some of the premiums. She feels that the City should be cautious on this issue, as other cities have gotten into trouble in the past trying to fund these health benefits as they have with pensions.

Mayor Ring noted that the City still gets great employees and that the City Council should consider modifying salary ranges in the future if this becomes a problem.

Councilmember Hack reiterated that the City does get great employees and there is very little turnover. He concurred with Mayor Ring's suggestion.

Councilmember Connors asked that the increase to the cafeteria plan be removed from the budget.

By 3 ayes (Connors, Hack, Ring) and 2 noes (Hatch, Robbins), Council provided direction to remove the cafeteria benefit from the 2013-14 fiscal year budget.

Councilmember Connors also suggested that the City modify their landscaping guidelines to reflect that the City is conscious of water usage.

City Manager Keane replied that the City Council considered this factor when it adopted a sustainable landscape plan for Moulton Parkway.

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack reported that the Agency has a new CEO. He noted that the Agency is moving forward with cash-less toll roads and updating their cameras.

10.2 Orange County Library Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins reported there has been no meeting.

10.3 Orange County Fire Authority (Councilmember Hatch)

Councilmember Hatch reported that the Orange County Fire Authority's Board of Directors recently adopted a balanced budget. The Authority will start contract negotiations at the beginning of 2014. He noted that unfunded liabilities continues to be a major concern for the future.

10.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack reported that the Committee has been dealing with the Bay Delta Conservation Program (BDCP). He noted that the legislature is considering several changes to the water bond which is scheduled for the November 2014 statewide ballot.

10.5 Coastal Greenbelt Authority (Councilmember Connors)

Councilmember Connors reported that the Laguna Canyon Foundation maintains a nursery of native plants and encouraged anyone in the community to contact the Nix Nature center to volunteer their time to garden in the nursery.

On a separate matter, she noted that a large amount of subsurface water was found during the work on the Village Aliso Creek Bridge which caused a delay in the project but she believes the work will resume soon.

10.6 Vector Control District Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins reported that last year was the deadliest West Nile Virus season in the country. He mentioned different ways people could protect themselves from mosquitos. He noted that only one dead bird was found in Lake Forest and results of the examination are pending.

XI. PUBLIC COMMENT

Berton Moldow, Resident, expressed his appreciation to Councilmember Connors for her comments made at a meeting earlier in the day about activists. He stated residents should not be paying out monthly charges for the SONGS steam generators that are non-functional. He asked the City Council to write a letter to the Governor asking to put a stop to those monthly charges.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

A. Orange County Water Summit, May 17, 2013: Councilmember Hack

Councilmember Hack reported that the water level in Lake Mead is at an all-time low. He stated that there were several speakers at the Water Summit who spoke on water issues but nobody discussed global warming.

XIII. CLOSED SESSION

13.1 The City Council met in closed session to confer with legal counsel regarding one matter of potential litigation, pursuant to the provisions of Government Code Section 54956.9(c)

The City Council reconvened in open session at 4:55 p.m. City Attorney Cosgrove advised that there was no reportable action.

XIV. ADJOURNMENT

The meeting was adjourned at 4:56 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday July 17, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

MARC DONOHUE, Deputy City Clerk

Adopted: July 17, 2013

ROBERT B. RING, Mayor