

**CITY OF LAGUNA WOODS, CALIFORNIA**  
**CITY COUNCIL MINUTES**  
**REGULAR MEETING**  
**May 15, 2013**  
**2:00 P.M.**

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**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**

Jennifer Cornmocker led the flag salute.

**III. ROLL CALL**

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

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

**IV. PRESENTATIONS**

None

**V. CITY COMMENDATIONS AND PROCLAMATIONS**

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried unanimously to approve Proclamations:

5.1   Elder Abuse Awareness Day, June 15, 2013

5.2   Drowning Prevention Summer, May 27 - September 2, 2013

**VI. CONSENT CALENDAR**

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins and carried unanimously to approve Consent Calendar Items 6.1 – 6.6.

6.1   Approved the minutes the April 17, 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 April 2013 monthly and Third Quarter (January 1, 2013 – March 31, 2013) Fiscal Year 2012-13 Quarterly Treasurer's Report.

6.4 Warrant Register

Approved the March 20, 2013 Warrant Register in the amount of \$396,013.47

6.5 Phase 1 Moulton Smart Street Project: Fire Department Connection

Awarded a contract to E.J. Meyer Company for the Moulton Parkway Phase 1 Fire Department Connection Project in the amount of \$27,777; and authorized the City Manager to execute the contract and approve change orders not to exceed 15% of the base amount, subject to approval as to form by the City Attorney.

6.6 Special Legal Counsel

Approved an agreement with Terese Scanlon Oliver for legal counsel services related to the City's re-light photo enforcement program, through June 30, 2015; and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

**VII. PUBLIC HEARING**

7.1 Conditional Use Permit application (CUP-872); Geneva Presbyterian Church Preschool located at 24301 El Toro Road

City Manager Keane noted that the City received a letter opposing the preschool from two realtors, one phone call from an unknown resident opposing the preschool, and a petition from seven residents opposing the preschool.

Planning Manager Kurnow presented a PowerPoint presentation on the proposed conditional use permit application.

Councilmember Hatch referenced item number twenty three on the proposed resolution. He stated that the issue is if there will be enough parking when the preschool and the sanctuary are in use at the same time.

City Manager Keane stated that staff has prepared an alternative condition to meet that requirement if the Council wishes to modify the existing condition.

Planning Manager Kurnow noted that the new condition states, in addition to the preschool use, assembly areas may be used to a maximum aggregate total of 7,700 square feet in any or all on-site buildings while the preschool is in operation.

Councilmember Connors stated that it seems like there will be a large amount of cars picking up and dropping off between the hours of 6:30 to 9:00 a.m. and again from 4:00

to 6:30 p.m. She noted that there probably will not be more than fifteen cars parked in the lot between the hours of 9:00 a.m. to 4:00 p.m.

City Manager Keane stated that the new condition allows them to use the 7,700 square feet because there is sufficient parking for that area.

Councilmember Connors asked what the total square footage is for the office, chapel and sanctuary buildings.

Planning Manager Kurnow stated that specific square footage was not part of the original application for the chapel and the sanctuary. He noted that 7,700 square feet is an aggregate total that can be used up to that amount.

Councilmember Hack stated that the issue is that the preschool is open at 6:30 in the morning and residents are still sleeping. He noted that it could be a nuisance to the residents if the kids are outside playing early in the morning.

City Manager Keane stated that it is the City's understanding that kids will not be outside playing in the early hours of the morning.

Councilmember Hack stated that a condition should be added that states kids will not be permitted to play outside until 9:00 a.m.

City Manager Keane noted that additional wording can be added to state, that outdoor assemblies, events, recreational activities (including recess or playtime activities) for students shall not be permitted before 9:00 a.m.

The public hearing was opened.

Teresa Callahan, resident, asked why the preschool has long hours and who is planning to run the preschool.

City Manager Keane stated that the hours are long because it allows working parents to drop off children before work and pick up them after leaving work.

Ms. Callahan asked why it is being called a preschool instead of a daycare center.

City Manager Keane stated that in city regulations a preschool and day care center are synonymous.

Ms. Callahan stated that to the general public there is a big difference between a preschool and a daycare center. She asked if the church is renting out the space to another organization that will be running the preschool.

City Manager Keane stated the City has no ability to control who is running the school. She noted that the state makes that determination when issuing the license.

Eddie Robinson, member of Geneva Presbyterian Church, stated that the church is

venturing into childcare because of the declining number of members in the church. She noted that the long hours of the school are to help working parents.

Councilmember Connors asked who would be operating/managing the preschool facility.

Ms. Robinson replied that the preschool is intended to be operated by the Geneva Church.

Nathan Menard, Menard Architecture, representing the applicant, stated that this is a facility with existing classrooms and a playground. He noted that noise will go above the houses because the wall height of the church is at the same height as the roofs of the homes on the other side of the wall.

Councilmember Connors asked if Menard Architecture did any acoustic measurements to see what the noise level is on the side of the residential homes.

Mr. Menard replied that he did not since this is an existing facility.

Ms. Callahan stated that her home is located directly behind and above the church.

Councilmember Connors asked Ms. Callahan if she finds the noise of children to be excessive or bothersome on Sunday mornings.

Ms. Callahan replied that she does not. She noted, however, that she does not know how things will be in the future.

Councilmember Connors asked Ms. Callahan if she finds the noise of cars and traffic around the church to be bothersome.

Ms. Callahan replied that she does not find it excessive.

The public hearing was closed

Councilmember Connors stated that she is a member of the Geneva Church but is not a Board member and has nothing to do with the planning of the preschool. She asked the City Attorney to confirm that she does not have a conflict of interest on this application.

City Attorney Cosgrove concurred.

Councilmember Connors asked if 7,700 square feet will be sufficient if several events are occurring at the same time.

Mr. Menard stated that because much of the space is unutilized, he does not see a problem in the future.

Councilmember Hatch asked how many parking spots 7,700 square feet will require.

Planning Manager Kurnow replied that it would require 220 parking spots.

City Manager Keane clarified that if the Church needs to use additional square footage, they would need to add parking spaces or request a variance.

Moved by Councilmember Hatch, as modified during the discussion, seconded by Councilmember Conners, and carried unanimously to approve **Resolution 13-06** relating to a conditional use permit for Geneva Presbyterian Church, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LAGUNA WOODS, CALIFORNIA, APPROVING A  
CONDITIONAL USE PERMIT (CUP-872) TO ESTABLISH A  
PRESCHOOL AT THE GENEVA PRESBYTERIAN  
CHURCH LOCATED AT 24301 EL TORO ROAD

**VIII. CITY COUNCIL**

None

**IX. CITY MANAGER**

9.1 Fiscal Year 2013-14 Budget: Transportation and Special Funds

City Manager Keane presented a PowerPoint presentation on the 2013-14 fiscal year transportation and special funds budget. She went over current funds and noted that the proposed budget includes only new expenditure allocations and supports both operating programs and capital improvements.

Councilmember Hatch asked where the beverage recycling containers money comes from.

City Manager Keane stated the City received a County grant several years ago to purchase special recycling bins or boxes; not all these funds have been spent.

Councilmember Conners asked if the City is getting any money from the bottles and cans that Ware picks up from the recycling bins.

City Manager Keane stated the City does receive a recycling rebate from WARE and the company has reduced the cost of the trash collection rates in consideration.

Councilmember Hatch stated he recently read an article about a City that does not have any separation of recycling and regular trash. He noted that the waste collector in that City found it cheaper to separate it at a later time.

City Manager Keane stated the City of Newport Beach is in the same situation. All of their trash currently goes to a Material Recycling facility, but that City is thinking of switching to more traditional source separation to meet their diversion goals. She noted that Laguna Woods also sends about 75% of local trash bins to a MRF.

Councilmember Hatch asked if most cities are financially depend on grants to stay afloat.

City Manager Keane stated that the City has a higher percentage of grants due to its the small general fund.

Councilmember Hatch asked if possible that the grants will be taken away in the 2 to 3 years.

City Manager Keane replied that most of these grants are for specific projects and once completed there will be no additional need for money. She noted that the major ongoing grant funded project is the taxi voucher program and the City is getting less grant money for this program because more cities are completing for that grant funding.

Councilmember Hatch stated the taxi voucher program seems more like a luxury than something that is essential to the City like some of the projects that are being mentioned.

Councilmember Connors asked if the City is paying off their liabilities to CJPIA.

City Manager Keane stated that amount has been included in the 2013-14 proposed budget.

Councilmember Hatch asked if the City if there is a timeframe for the expenditure of Transportation Gas Tax.

City Manager Keane replied there is no requirement on the length of time you have to spend it and noted that the City can spend the money when it's needed.

Councilmember Hatch asked if the City will receive some revenue from sales tax of items purchased on the internet.

City Manager Keane replied that it is her understanding that any such funds would be minimal.

City Manager Keane stated that staff is proposing using less measure M2 money for street maintenance because there are sufficient gas tax funds. The City is instead proposing allocation of Measure M2 funds as the City's match for the grant funded El Toro Road rehabilitation project.

Assistant City Manager Reilly noted that this project is located on the eastern side of the intersection of Calle Sonora and El Toro Road down to the entrance of the equestrian center.

Councilmember Connors asked if there is possibility of expanding the sidewalk when the City starts that project.

City Manager Keane stated it would not be sufficient to do that because expanding the sidewalk would require that the City acquire property.

Councilmember Hack asked if City is opening a third lane at the bottom end of El Toro at the completion of the Aliso Creek project.

Assistant City Manager Reilly replied that this project is substantially complete and the contractor will soon be striping the third lane.

Councilmember Hack asked if the City is doing anything to stabilize the roof as a part of the green Roof project.

Public Safety Director Macon replied that the Green Roof Project includes a seismic analysis of the building and a seismic upgrade that will be completed at the same time.

Councilmember Connors asked if there will be more protection from storm water that runs down the parking lot and into the council chambers.

City Manager Keane stated that the construction of the City Hall parking lot/storm drain project should resolve that problem.

The Council expressed consensus for the Special Funds budgets as presented and requested no modifications.

## 9.2 Senior Mobility Taxi Voucher Program

City Manager Keane summarized the agenda report and stated that the City has sufficient funds in the budget for the program. She noted that the City will now offer \$25 taxi books in addition to the \$50 taxi books that the City currently offers.

Councilmember Hack asked if there is a \$25,000 shortfall in the amount of grant money the City will be receiving in the program.

City Manager Keane replied that staff proposes an allocation of \$25,000 from the 2013-14 budget to the program to maintain current prices.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack and carried unanimously to authorize the continuation of the subsidized taxi voucher program, maintaining current services and prices, through June 30, 2014.

## **X. COMMITTEE REPORTS**

### 10.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack reported that because of Brown Act regulations it has been difficult to finalize the decision to pick the new CEO.

### 10.2 Orange County Library Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins reported that the Board finally had a quorum and was able lower the requirement for future quorums from fourteen to ten. He noted that the Board adopted the 2013-14 fiscal year budget that is substantially similar to the 2012-13 budget and that the same level of services will be offered in the coming year.

City Manager Keane noted that the funding that used to go to redevelopment agencies is now being distributed to various special districts and schools, including the library district.

- 10.3 Orange County Fire Authority (Councilmember Hatch)  
Councilmember Hatch reported that he recently met with Fire Chief Richter that the Chief was very impressed with the City and community. He noted that the Assistant Fire Chief is coordinating a drill in preparation of the dry conditions of the summer. He also noted that dispatch centers will be using new software to gather additional information from people who call 911 so that emergency resources are not dispatched to situations that do not require them.
- 10.4 Southern California Water Committee (Councilmember Hack)  
Councilmember Hack reported that there were a variety of well informed presentations at the last Southern California Water Committee meeting pertaining to water policy. He noted that the Committee needs to focus its educational effort on the need to bring water south since Southern California will be experiencing much dryer weather in the coming years
- 10.5 Coastal Greenbelt Authority (Councilmember Conners)  
Councilmember Conners reported that the authority will be meeting later in the week and she will report on it at the next City Council meeting.
- 10.6 Vector Control District Board (Mayor Pro Tem Robbins)  
Mayor Pro Tem Robbins reported that there were no dead birds found in the City, Lake Forest or Laguna Hills and there is nothing new to report on the West Nile Virus. He urged the community to try to prevent water from accumulating around flowerpots because it is a good source for mosquitos to breed.

## **XI. PUBLIC COMMENT**

Marilyn Boubeer, resident, stated that she has lived in the City for 25 years and this is the first City Council meeting that she has attended. She thanked the City Council for all their volunteer service to the City. She stated that she does not agree with the “No Right Turn on Red” sign at Gate 5 and she would like the City to consider removing the sign.

City Manager Keane stated that staff will be working with the Public Safety Committee during the next three months to take a look at all the “No Right Turn on Red” and L.E.D. signs.

Councilmember Conners asked if the City could notify Ms. Boubeer of the Public Safety Committee meeting when the issue is discussed.

City Manager Keane stated that she will make sure Ms. Boubeer is informed and that Public Safety meetings about this issue are well publicized.

Councilmember Hack stated it is worth taking a second look at this issue and the opinion

of a traffic engineer would be valuable. He encouraged everyone to remember that the residents of the City take a longer time to cross streets.

Ms. Boubeer stated that she understands that but she is only talking about the particular sign near Gate 5.

**XI. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS**

12.1 Reports on Meetings Attended per Government Code §53232.3

A. Water Advisory Committee of Orange County, April 1, 2013:

Councilmember Hack reported that the Committee was presented with different bills from Representative Sanchez. He noted there was little discussion about water policy.

12.2 Other Meetings, Comments and Announcements

None

**XII. 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 4:38 p.m. City Attorney Cosgrove advised that there was no reportable action.

**XIII. ADJOURNMENT**

The meeting was adjourned at 4:39 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday June 19, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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MARC DONOHUE, Deputy City Clerk

Adopted: June 19, 2013

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ROBERT B. RING, Mayor