

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
February 15, 2012
2:00 P.M.**

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. FLAG SALUTE

Councilmember Ring led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Hack, Rhodes, Robbins, Ring, Connors
 ABSENT: None

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Community Services Manager Foley; Deputy City Clerk Trippy; City Attorney Cosgrove

IV. PRESENTATIONS – None

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

Moved by Councilmember Robbins, seconded by Mayor Pro Tem Ring, and carried unanimously to approve Consent Calendar Items 6.1 – 6.9.

6.1 City Council Minutes

Approved the minutes from the January 18, 2012 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 Reports

Received and filed the January 2012 monthly and Fiscal Year 2011-12 second quarter (October-December) Treasurer’s Reports.

6.4 Warrant Register

Approved the February 15, 2012 Warrant Register in the amount of \$407,904.48.

6.5 Fire Hazard Severity Zones

Adopted **Ordinance No. 12-02** establishing high and moderate fire hazard severity zone maps and materials and methods standards for new construction and building modifications in fire hazard severity zones, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTERS 10.08, 1-.13 AND 10.22 OF
THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO
MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR
WILDFIRE EXPOSURE

6.6 Ad Hoc Audit Committee

Appointed Mayor Pro Tem Ring and Councilmember Robbins to an ad hoc audit committee.

6.7 City Hall Automatic Sliding Glass Door

- A. Accepted project completion of a contract with Pasco Doors for the installation of the automatic single slide dual pane Low-E Glass City Hall Front Door.
- B. Release contract retention in the amount of \$674.46 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange.
- C. Exonerate project posted bonds 35 days following recordation of Notice of Completion with the County of Orange.

6.8 Energy Efficient Traffic Safety Street Lights

- A. Accepted project completion of a contract with Traffic Development Services for the installation of the energy efficient induction safety streetlights at the traffic intersections in the City of Laguna Woods.
- B. Release contract retention in the amount of \$3,363.60 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange.
- C. Exonerate project posted bonds 35 days following recordation of Notice of Completion with the County of Orange.

VII. PUBLIC HEARING

7.1 Solid Waste Franchise Rate Increase

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City Manager Keane stated that the City has five year contract with Ware Disposal which includes a provision to increase rates. She introduced Assistant City Manager Reilly to explain the process and provide the staff report.

Assistant City Manager Reilly noted that the City's Solid Waste and Recycling Consultant Mike Balliet and Jay Ware of Ware Disposal were present to answer any questions. He then summarized the agenda report. The City's five-year contract extends to July 2015 and includes a provision for a one-time rate increase due to labor negotiations. If Council approves the proposed rate increase, the new fees would become effective April 1, 2012. In addition to the proposed labor increase, rates are modified annually to reflect a cost of living increases on tipping fees.

Mayor Pro Tem Ring stated his opinion that the proposed increase is reasonable in regards to the services provided. He asked if Ware actually counts the number of bins assigned for curbside service. Mayor Pro Tem Ring asked if the rate of \$7.89 applies regardless if you have one or two bins and if the price for a third bin would cost an additional \$7.89.

Mr. Balliet affirmed that curbside service allows up to two containers for \$7.98 and that an additional charge applies for a third container.

Mayor Pro Tem Ring asked if it is necessary for him to separate recyclables from waste.

Mr. Balliet stated that curbside residents receive a free cycling container and that the use of separate containers reduces the amount of waste in landfills.

Assistant City Manager Reilly clarified that the rate sheet referring to "residential cart service" allows for residents with carts to have more than one black container for trash.

Councilmember Hack asked if additional charges are incurred for cardboard boxes and large plastic containers which are left near the trash bins.

Mr. Ware clarified that drivers are instructed to pick up extra boxes at the single-family residential units.

City Manager Keane asked how Ware handles a situation if a resident has placed a plastic bag full of waste next to their cart.

Mr. Ware suggested that the residents should identify the bag as waste, since there is no way for the drivers to determine if it is waste or recyclable.

The public hearing was opened. There being no requests to speak, the public hearing was closed.

Moved by Councilmember Hack, seconded by Councilmember Rhodes, and carried unanimously to authorize increases to maximum solid waste franchise hauling rates charged by Ware Disposal, effective April 1, 2012, as identified in Attachment A.

7.2 Sign Regulations

City Manager Keane summarized the agenda report, noting that proposed changes relate to signs that do not require a permit. The Village has requested that the City allow residential real estate signs for individual residential units and that the number of open house signs per residence be increased.

Councilmember Hack stated that he is sympathetic for the need to sell property in difficult times. He asked how the regulations apply to the three-story building and if each unit is treated as separate and distinct.

City Manager Keane concurred that each unit is separate and that the Land Use and Design Review Committee expressed concern that a proliferation of signs could occur, but decided to recommend the proposed changes.

Councilmember Rhodes asked if the word “gate” means the same as a railing on balconies.

City Manager Keane clarified that as drafted signs would not be allowed on balconies.

Councilmember Rhodes suggested a modification to allow real estate signs on balconies. He noted that a railing or wall provides similar exposure.

City Manager Keane suggested the language Section (11)(c) could be modified to add “balcony railings.”

Councilmember asked for clarification as to why the City is regulating signs in the gated community.

City Manager Keane clarified that the City regulates signs citywide.

Councilmember Hack stated that he understands the need to regulate a proliferation of signs in or visible from the public right of way, but believes it is up to the homeowner associations to regulate the signs on private property that cannot be seen from any public street. He noted that there are probably other City regulations where the Village should be exempted as well.

City Attorney Cosgrove pointed out that the City has the authority to regulate signs in general. He stated that the proposed ordinance provides consistency in regulating signs.

Councilmember Hack asked if the City’s regulations include signs in windows.

City Manager Keane affirmed that the City the current proposal would not regulate signs in windows in residential districts.

Councilmember Hack asked if the City was required to regulate signs anywhere. He believes sign proliferation may be an aesthetic issue, but not a public safety issue. He

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suggested that staff should conduct a study of all City regulations to see which should apply to the gated community and which should not.

Councilmember Rhodes asked for clarification if the roads inside the gated community are considered public streets.

City Manager Keane clarified that the roads inside the gated community are not public streets. She noted that the Village is ready to move forward with the proposed regulations and if the City chooses to make other changes at this point, it could cause a three to four month delay.

Mayor Connors concurred that Councilmember Hack raised some valid points and that it may be worthwhile for the Council to review which City regulations should not apply to the gated community, but she is inclined to vote in favor of the proposed regulations so that the real estate community can proceed with additional signage. She suggested that staff look into the sign ordinances at a later date.

Councilmember Rhodes noted that he does not feel the proposed regulations will cause hardship or harm to the public and he is in favor of approving the modifications.

Mayor Pro Tem Ring proposed that the size of decorative flags be increased from ten square feet to twelve square feet to accommodate the standard stock size of flags.

City Manager Keane affirmed that the intent was to allow standard decorative house signs.

Councilmember Hack stated that he is amenable, with some reservations, to the Mayor's suggestions to act on the issue now and revisit it at later date.

City Manager Keane noted that Mayor Connors' suggestions would require two actions: 1) introduction and approval of first reading of the proposed ordinance and 2) later staff review all the City regulations. She cautioned that the City needs to be cautious not to allow the Village to be exempt of regulations imposed on all other residential communities in the City.

City Attorney Cosgrove clarified the Mayor's suggestions to introduce and approve first reading of the ordinance would include the amendments to increase decorative banners to twelve square feet and include "balcony" to Section 11(c). He further noted that the second action suggests a broader question. Staff will need to review regulations and balance concerns of consistency.

Councilmember Hack restated his concern about the rationale for the City to regulate non-public safety issues on private property where internal governance exists. The same issue was raised when the City incorporated; however, he is willing to take action on the Mayor's motion at this time.

The public hearing was opened. There being no requests to speak, the public hearing was closed.

Moved by Mayor Conners, seconded by Mayor Pro Tem Ring, and carried unanimously to introduce and approve first reading of an ordinance modifying regulations related to signs which do not require a permit, as amended, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTER 13.20 OF THE LAGUNA
WOODS MUNICIPAL CODE PERTAINING TO SIGN
REGULATIONS

Mayor Conners asked if staff is requesting a motion or guidance in regards to reviewing regulations in the gated community.

City Manager Keane asked if the Council is asking staff to address the issue of signs only or whether the City should regulate anything inside the gated community other than public safety.

Mayor Conners stated that it seems to be the consensus of the Council to request that staff identify all regulations currently enforced on private property in an effort to make a rationale distinction between those that should or should not be enforced on the Village.

City Attorney Cosgrove suggested that two separate issues could be addressed; the first the subject of signs and the second broader issue how far is the municipal authority willing to regulate.

City Manager Keane stated that there are insufficient staff resources to take on this type of project at this time, and the City would need to retain a consultant or hire additional staff.

Mayor Conners stated that there is no need for an immediate report since Council has routinely regulated on the issue. She asked that Laguna Woods Village staff present in the audience if they had any comments.

Chris Robinson stated that they are not prepared to comment on various issues raised, but would not like to see the currently proposed modifications delayed.

Councilmember Rhodes stated that the City has a responsibility for safety issues in general. He noted the Council has taken action to go forward with the current proposal and suggested that discussions on other issues can be brought back when and if the need arise.

Mayor Conners stated that in consideration to staff's limited resources, they simply assemble a list of the various regulations that the City imposes equally to all property owners, such as bingo permits, smoking, and temporary use permits.

Mayor Hack discussed the distinction between private and public property and the responsibility of homeowner associations to enforce their own roles and not defer to the City.

Mayor Pro Tem Ring noted that sign regulations continually change and he is certain these issues will come up again. He noted that all Councilmembers have made valid points; however, staff has more than enough work to do.

Councilmember Robbins suggested that Council look into the issue at a later time and go from there.

Mayor Connors stated that it is Council's consensus that there will be no current direction to staff on this matter at this time.

VIII. CITY COUNCIL

8.1 Advisory Committee Appointments

Moved by Mayor Pro Tem Ring, seconded by Councilmember Robbins, and carried unanimously to ratify nominations for City Council advisory committees, as follows:

Public Safety Committee

James Riedel, nominated by Mayor Connors

Ernest Senser, nominated by Councilmember Hack

Mayor Connors thanked Mr. Riedel and Mr. Senser for volunteering to serve their community. She encouraged anyone who may be interested to contact City Hall to volunteer as a Committee member.

Mayor Pro Tem Ring announced that Mr. Senser is also a volunteer with the City's RACES program and is very enthusiastic about public safety.

IX. CITY MANAGER

9.1 Claims for Money or Damages

City Manager Keane summarized the agenda report and noted that the City Attorney is concerned with a possibility of future class action suits and has suggested the proposed change.

City Attorney Cosgrove explained that the proposed ordinance requires each member of a class action suit to verify who they are and that they are represented by the class.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Ring, and carried unanimously to introduce and approve first reading of an ordinance modifying the City claims procedures, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 3.04.010 OF THE LAGUNA WOODS MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY

X. COMMITTEE REPORTS

- 10.1 Transportation Corridor Agencies (Councilmember Hack)
Councilmember Hack stated that various discussions took place regarding how to collect tolls and he reported that the County will pursue legal action against TCA as a result of the appeal of the John Wayne Airport development impact fee.
- 10.2 Orange County Library Board (Councilmember Robbins)
Councilmember Robbins reported that the digital bookmobile event held at City Hall was a success with 600 in attendance. He is looking forward to holding another similar event during the summer months. He reported that the state will cut \$611,000 in funding to the library system; however, as a result of prudent management, the county library system has built up reserves to help offset the shortfall.
- 10.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes reported that the volunteer corps program will assist in various community outreach programs and events. The OCFA Board has voted to provide services to the City of Santa Ana, contingent that they adopt a balanced budget. Santa Ana anticipates a savings of \$10 million annually by joining OCFA. He also reported that OCFA was awarded \$1.4 million in grant funds which will be used to purchase breathing apparatus for nearly 900 firefighters at 16 sites. The grant funds will cover 80% of the cost.
- Councilmember Hack commented that scuba divers have used similar devices for many years. He asked if Santa Ana had provided any indication of how they would address their \$30 million unfunded pension obligation.
- Councilmember Rhodes stated that currently this obligation is shown as indebtedness.
- Mayor Connors noted that OCFA is expanding their smoke alarm installation program to include vibrating alarms for the hearing impaired. She suggested that residents contact City Hall for further information.
- 10.4 Southern California Water Committee (Mayor Hack)
Councilmember Hack reported that discussions took place whether or not the ballot initiative for repair of the Delta at a cost of \$14 billion should move forward. A recent poll reported that 98% of voters were not aware of the Delta problem; which indicates that a tremendous amount of education is needed.
- 10.5 Coastal Greenbelt Authority (Mayor Pro Tem Connors)
Mayor Connors cautioned that severe drought conditions exist in local wilderness areas. She reported that plans for the upcoming year included trail management and expansion, including a potential trail head at the wilderness area at Santa Maria Avenue near gates 10 and 11.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes reported that half of the goal to achieve \$150,000 to continue the

youth education program has been achieved.

- 10.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins reported 12 dead birds tested negative for the West Nile Virus but none were from the nearby area. The County reported that 68 rodents tested negative for plague anti-bodies in January. He stated that there have been no reports of mosquitoes; however, he will continue to observe reports as the weather changes.

Councilmember Rhodes discussed a recent newspaper article that mentioned the Vector Control District's office lease and asked if the property owner's bankruptcy issues were raised at the meeting.

Councilmember Robbins stated that he is unable to report on this issue since it involves possible litigation.

X. PUBLIC COMMENTS

Bert Moldow, resident, discussed the risk factors related to air travel near the San Onofre Nuclear Generating Station (SONG). He stated that the Laguna Beach Council voted 4 to 1 to petition appropriate agencies regarding disposal of nuclear waste. He believes that the Laguna Woods City Council has a responsibility to educate the community on the pros and cons of nuclear power.

Arthur Harris, resident, stated that in light of Council's discussion of public safety pertaining to signs, he suggests that the City look into what can be done to limit unwanted access into the gated community.

City Manager Keane stated that the City does not have the ability to control who enters the gated community. Access is controlled by the homeowners associations and relevant state and federal laws.

Councilmember Hack reflected on his comments earlier that the general perception is that the City dictates what the private property can and cannot do.

Mr. Harris also noted that he would like to see Professional Community Management (PCM) purchase products from local retailers so that the city would receive sales tax.

Mayor Connors acknowledged Mr. Harris' suggestions, but noted that the City cannot dictate to the gated community where they must purchase their supplies.

XI. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

- 12.1 Reports on Meetings Attended per Government Code §53232.3 – None
12.2 Other Meetings, Comments and Announcements

Councilmember Hack reported on a meeting he attended at the Southern California Association of Government (SCAG) where the the Regional Transportation Plan was

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discussed. He also noted that the state of Washington is proposing to tax electric cars to make up for road taxes typically generated from gas tax.

Councilmember Hack reported on a meeting he attended with Mayor Pro Tem Ring at the Municipal Water District of Orange County (MWDOC); the guest speaker from Nevada discussed some of the measures that state has taken to address water shortages, including paying residents not to grow grass.

Mayor Connors stated that she received notice that the Huntington Beach desalination plant has been environmentally approved and has been issued permits.

Councilmember Hack noted that recent controversy has been raised regarding the project.

Councilmember Rhodes discussed a ceremony he attended at OCFA for the Best and Bravest Awards, which included the Fire Fighter of the Year award to Battalion Chief Brad Holderman.

Mayor Pro Tem Ring reported on a meeting he attended at the South Orange County Watershed Management Committee. The committee approved various goals and objectives, which include prioritizing grants and projects with an emphasis on safety first and regulatory second.

In reference to comments made during public comments, Councilmember Hack discussed issues raised regarding coal fired electricity. He stated that he is not fond of the nuclear plants; however, he believes that there is no such thing as a safe alternative.

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 4:36 p.m. City Attorney Cosgrove advised that there was no reportable action.

XIII. CITY MANAGER CONT.

- 14.1 Energy Efficiency and Conservation Block Grant Funding

City Manager Keane stated that the proposed resolution would allow staff to apply for grant funding to replace City-owned streetlights with energy efficient equipment.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Ring, and carried unanimously to adopt **Resolution No. 12-03** authorizing the City to apply for grant funding to replace fixtures on City-owned streetlights with energy efficient equipment, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, AUTHORIZING AN
APPLICATION FOR ENERGY EFFICIENCY AND CONSERVATION
BLOCK GRANT FUNDING

XIV. ADJOURNMENT

The meeting was adjourned at 4:37 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, March 21, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: March 21, 2012

CYNTHIA S. CONNERS, Mayor