

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
March 17, 2010
2:00 P.M.**

I. CALL TO ORDER

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

II. FLAG SALUTE

Resident Doug Harvey led the flag salute.

III. ROLL CALL

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

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Deputy City Clerk Trippy; City Attorney McEwen

IV. PRESENTATIONS – None

V. CITY PROCLAMATIONS

Moved by Councilmember Ring, seconded by Councilmember Rhodes, and carried unanimously to approve City Proclamation 5.1.

5.1 National Parkinson’s Awareness Month – April 2010

Mayor Robbins presented the proclamation to Larry Strauss, resident and leader of the Laguna Woods Parkinson’s Can Do Club, Dr. Daniel Truong, medical director and head of the Parkinson’s and Movement Disorder Institute, and Debbie Baires, group leader for the Orange County APDA. Larry Strauss made brief remarks.

VI. CONSENT CALENDAR

Moved by Councilmember Conners, seconded by Councilmember Ring, and carried unanimously to approve Consent Calendar Items 6.1 – 6.7.

6.1 City Council Minutes

Approved the minutes from the February 17, 2010 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 February 2010 monthly Treasurer Report.

6.4 Warrant Register

Approved the March 17, 2010 Warrant Register in the amount of \$476,701.40.

6.5 El Toro Road – Avenida Sevilla Storm Drain Project

Awarded a contract to GCI Construction, Inc. in the amount of \$301,837 plus authorized change orders not to exceed 15% of the base amount, and authorized the City Manager to execute a contract and approve change orders, subject to approval as to form by the City Attorney.

6.6 Administrative Policies

Approved administrative policies –

- A) 4.9 Injury and Illness Prevention (revision to existing policy)
- B) 4.12 Workers Compensation Claim Procedures (new policy)
- C) 5.3 ADA Accessibility and Grievance (new policy)

6.7 Emergency Financial Assistance – Designation of Agent

Approved Resolution No. 10-03, establishing an agent for the purpose of filing applications for emergency financial assistance, titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, DESIGNATING AN AGENT FOR
THE PURPOSE OF FILING APPLICATIONS FOR STATE AND
FEDERAL DISASTER ASSISTANCE

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL – None

IX. CITY MANAGER

City Manager Keane stated that a number of residents have called City Hall with concerns about their address being listed incorrectly on US Census forms. Staff has been assured by the Census Bureau that Census forms are counted by ZIP codes, which are correct on the forms. Forms should be filled out, regardless of what city is listed, and mailed as instructed. Residents can also cross out the incorrect city name and write in “Laguna Woods”, if desired.

9.1 Cable Television Franchise Fee

City Manager Keane summarized the agenda report and stated that the \$215,000 that is estimated as the value of the waived franchise fee is roughly equivalent to the savings that would result from budget cuts of half of the current taxi voucher program and two part-time staff; or, the cancellation of all recreation programs and the elimination of the energy efficiency grant program, newsletter, free notary service, half of the community services grant program, and one full-time staff position; or, the closure of City Hall one day per week and the reduction of staff salaries by 20%.

Councilmember Rhodes asked for clarification if all or only some of the cuts described by City Manager Keane would be required to achieve a savings of \$215,000.

City Manager Keane responded that only one of the combinations would be necessary.

Councilmember Rhodes indicated support for cuts to City programs, in lieu of reinstating the cable television franchise fee.

Councilmember Ring asked how the motion would be worded.

City Manager Keane stated that there is no set wording for the motion.

Councilmember Ring asked if the City Council could give notice to reinstate the cable television franchise fee, then choose not to impose the fee at a later date.

City Manager Keane responded that the City Council would have to reinstate the cable television franchise fee and provide notice to that effect. The City Council could choose to rescind the fee prior to collection.

City Attorney McEwen agreed with City Manager Keane and explained that the motion would reinstate the collection of the fee, rather than the imposition of the fee. Since 2001, the fee has been imposed but not collected.

City Manager Keane asked City Attorney McEwen if the letter of notice could include the City Council's action and language explaining that the City Council could reconsider reinstating the collection of the fee prior to the start of collection.

City Attorney McEwen responded that it could.

Councilmember Ring asked City Attorney McEwen to suggest wording for such a motion.

City Attorney McEwen stated that it would be a motion to provide notice that the City is going to reinstate collection of the franchise fees. He indicated that language could be included in the letter noting that the City Council could decide to continue waiving the fees at any time over the next eighteen months.

Moved by Councilmember Ring and seconded by Councilmember Rhodes to provide notice that the City is going to reinstate collection of the cable television franchise fee.

Councilmember Connors noted that the City has suspended the franchise fee for nearly nine years and that given current county, city, and state fiscal crisis, it may no longer be sustainable to continue doing so.

City Manager Keane clarified that the collection of the cable television franchise fee would affect all franchises in the City, pursuant to state franchise law.

Councilmember Connors noted that an estimate for the increased cost to each resident of Laguna Woods Village would be about \$1.50 per manor, per month.

Mayor Robbins stated that he had done calculations of his own and estimated the increase to be approximately \$1.40 per manor, per month for Laguna Woods Village residents.

City Manager Keane noted that the City's financial situation could change in the next 18 months and that other options may become available. The City could also collect the cable television franchise fee based on "add-on" cable services, as opposed to basic services. Staff will have a better idea during the 2011-12 budget process, if the additional franchise fee revenue is needed. Other options could also be considered at that time.

Councilmember Ring discussed the uncertainty of the state's fiscal crisis, as well as the limits on the City's ability to borrow money, and how that necessitates providing notice to collect the cable television franchise fee.

City Manager Keane noted that the City can borrow money for certain expenses, but not to sustain on-going operations, unless revenues are simply waiting collection.

Councilmember Ring stated that the City could propose raising taxes, but it is unlikely that voters would approve such a measure. He would be opposed to raising taxes.

Moved by Councilmember Ring, seconded by Councilmember Rhodes, and carried unanimously to provide the required 18 months notice that the City is going to reinstate collection of cable television franchise fees.

9.2 El Toro Road/Moulton Parkway Intersection Improvements

Assistant City Manager Reilly summarized the agenda report.

Councilmember Connors asked if the work at the El Toro Road and Moulton Parkway intersection will begin prior to the completion of the work at El Pacifico and Santa Maria.

Assistant City Manager Reilly responded that it would. He explained that the work at El Pacifico and Santa Maria sometimes reduces traffic to one lane. The work at the El Toro Road and Moulton Parkway intersection will not be allowed to reduce traffic to one lane except at night. During the day, at least two lanes will be kept open in each direction. The County is hoping to complete work by December 2010, instead of February 2011.

Councilmember Ring asked how many years this project has taken.

Assistant City Manager Reilly responded that it has been in the works for more than twenty years.

City Manager Keane clarified that this is only a small piece of the project. There is still work to be done on Moulton Parkway north of the car wash to Santa Maria.

Moved by Councilmember Ring, seconded by Councilmember Connors, and carried unanimously to approve an agreement with the Golden Rain Foundation for acquisition of property for the El Toro Road/Moulton Parkway intersection improvements, and authorize the City Manager to execute an agreement, subject to approval as to form by the City Attorney.

X. CITY ATTORNEY'S REPORT

City Attorney McEwen reported on a recent ruling by the Ninth Circuit Court of Appeals that the pledge of allegiance with the phrase "one nation under God" is constitutional.

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Mayor Pro Tem Hack)

No report.

11.2 Orange County Library Board (Mayor Robbins)

Mayor Robbins stated that no meetings were held.

11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes noted that there was a board study session to develop a five-year strategic plan. The strategic plan will be presented at the next Board meeting.

City Manager Keane introduced Mike Doyle, the City's new Fire Division Chief.

Division Chief Doyle made brief introductory remarks.

11.4 Southern California Water Committee (Mayor Pro Tem Hack)

No report.

11.5 Coastal Greenbelt Authority (Councilmember Connors)

Councilmember Connors stated that there will be a meeting tomorrow.

Councilmember Rhodes announced that he attended a meeting held by Laguna Greenbelt.

City Manager Keane clarified that Laguna Greenbelt is a different organization from the Coastal Greenbelt Authority and that the City is not a member.

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes stated that Board President Don Vivrette made several proposals for organizational changes. He also announced that park attendance has increased and that an “elder trek” will be held on March 19.

11.7 Vector Control District Board (Board Member Bouer)

Mayor Robbins stated that Board Member Bouer was unable to attend today’s meeting and reported, on his behalf, that there are no vector problems in the community.

XII. PUBLIC COMMENTS

Eliana Hafiz, resident, stated that six months ago she asked to have her name removed from the City’s newsletter mailing list and was told on two occasions that it was not possible due to the bulk mailing process. She said that she relies on the Internet for information and suggested that the City could save money by either eliminating the newsletter or printing it on recycled, rather than high-gloss paper.

Ms. Hafiz continued that she views the newsletter as a waste. She suggested that the City’s newsletter has resulted in her being added to additional mailing lists and requested that she be removed from the City’s mailing list.

City Manager Keane noted that the City’s mailing list is not for sale. The City purchases a mailing list and it is possible for others to purchase the same list. She stated that staff will investigate whether it is possible to remove her from City mailings, but added that it would be costly due to having to make the changes manually.

Ms. Hafiz stated that her intention was to save the City money, not increase costs.

Councilmember Ring thanked Ms. Hafiz for making the City Council aware of this issue.

Cris Robinson, on behalf of the Golden Rain Foundation, clarified that their mailing list is also not for sale and that residents have the ability to opt out.

Councilmember Rhodes asked where the piles of newsletters Ms. Hafiz referred to are.

City Manager Keane responded that the newsletters are individually addressed and that some postal carriers place them in a common basket, rather than individual mailboxes. The City has complained about that practice to the Post Office.

Ms. Hafiz stated that the Post Office told her that delivery requirements differ because the City’s newsletter does not include “or current resident” after the resident’s name.

City Manager Keane clarified that the City’s newsletter is generally addressed “current resident” and she would investigate why this situation had changed. She also noted that many residents have contacted the City to express support for the newsletter and that a

large number of residents do not have access to the Internet. She reiterated that staff will look into the possibility of removing names from the mailing list.

Councilmember Conners noted that sometimes high-gloss paper is recycled paper. She agreed that it would be good if it was feasible and less expensive to allow people to “opt-out” of receiving City mailings. She also mentioned that it might be possible to handle distribution to multi-story buildings differently.

Marilyn Sortino, resident, discussed the role of the City’s newsletter in sharing news with residents and the benefit of delivering copies to those who are not computer savvy.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3)

A. Orange County Division/League of California Cities, March 11, 2010 (Rhodes)

13.2 Other Comments and Announcements

Councilmember Rhodes discussed his attendance of the annual Laguna Greenbelt meeting.

Councilmember Conners discussed a meeting of the Orange County Waste Management Authority and reminded residents of the importance of completing their Census forms.

Mayor Robbins commended the Census Bureau for their simple form.

Councilmember Rhodes asked about the status of City Centre Park.

City Manager Keane responded that work will start in April or May.

XIV. CLOSED SESSION – None

XV. ADJOURNMENT

The meeting was adjourned at 2:58 p.m. The next meeting will be at 2:00 p.m. on April 21, 2010 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California.

YOLIE TRIPPY, Deputy City Clerk

Adopted: April 21, 2010

MILT ROBBINS, Mayor