

**CITY OF LAGUNA WOODS, CALIFORNIA  
CITY COUNCIL AND LAND USE AND DESIGN REVIEW COMMITTEE  
REGULAR MEETING MINUTES**

**August 17, 2011  
2:00 P.M.**

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**I. CALL TO ORDER**

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

Chair Lindstrom called the Regular Meeting of the Land Use and Design Review Committee to order at 2:00 p.m.

**II. FLAG SALUTE**

Mayor Hack led the flag salute.

**III. ROLL CALL**

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

LAND USE AND DESIGN REVIEW COMMITTEE MEMBERS:  
                          PRESENT:   Hamm, Hatch, Heilbronner, Loveder, Straziuso,  
  Schneider, Sortino, Lindstrom  
                          ABSENT:   Joss and Preli

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

**IV. WORKSHOP: Urban Activity Center Specific Plan**

Mayor Hack announced that the joint meeting with the City Council and the Land Use and Design Review (LUDR) Committee has been called to review a presentation from the Golden Rain Foundation (GRF) pertaining to the Urban Activity Specific Plan. He noted that neither the City Council nor the LUDR Committee will take action on the issue and instead, will reserve their discussions and recommendations for a later date after the actual application has been submitted and reviewed. He encouraged the City Council and the LUDR Committee to address their questions to GRF and informed the public that they may express opinions on the subject, as well as items not listed on the agenda, during the public comments portion of the agenda.

Lynn Borack, GRF Board Member, introduced Coralee Newman and Jess Harris, consultants for GRF, who would make the presentation.

Coralee Newman discussed the community outreach program that began in January 2010 and included presentations to various community groups. A presentation to the entire Village community was broadcast on Channel 6. The GRF Board of Directors has approved the plan that is being presented today.

Jess Harris reviewed a Power Point presentation of the proposed specific plan. Planning Area (PA) 3 and PA 4 are designated as Community Center/Administrative Office, with the possibility of an urgent care facility, theater or commercial offices. PA 7 is proposed as Light Industry. PA 1 is identified as open space, with a possible use as solar panels; the intention would be to preserve the view from this site. PA 9 and PA 12 are designated to serve as expansion to the community gardens and/or outdoor meetings and concerts. Mr. Harris stated that the proposed plan is intended to reduce the Village's carbon footprint and promote a healthy community by designating nearly 70% of the available property as open space.

Mayor Hack reiterated that it would now be appropriate for Council and Committee members to direct any questions, pertaining to the land use, to the applicant.

Councilmember Rhodes asked about the shape of PA 10.

Mr. Harris clarified that PA 10 is a greenbelt with a legal easement for drainage purposes.

Councilmember Rhodes asked for clarification if the County required the easement.

Mr. Harris stated that he is not familiar with the history of the easement.

LUDR Committee Member Hatch asked if the reason for excluding Garden Center 1 is to reserve the area for affordable housing.

Mr. Harris responded that this property is not a part of the Urban Activity Center specific plan area.

LUDR Committee Member Hatch asked if the expanded garden centers areas would be automatically constructed if Garden Center 1 was converted to housing in the future.

Mr. Harris clarified that the garden centers would be expanded as needed. Depending on the future use of the Garden Center 1 property, the plots there could shift to the other sites or be consolidated.

LUDR Committee Member Hatch summarized his understanding that Garden Center 1 could remain at its current location, expand to Garden Center 2, or become one of three garden centers.

Mayor Pro Tem Connors asked if PA 7 has any underground fuel storage tanks.

Tim Huval with Professional Community Management stated that the underground tanks were removed at the time that the above-ground fuel station was constructed.

Mayor Pro Tem Connors asked if remediation occurred at that time.

Mr. Huval indicated that although he did not have specific details, it is likely that remediation was required.

City Manager Keane indicated that it is unlikely that something else could be built at the site if remediation was required but not completed.

Mayor Pro Tem Connors asked if the proposed plan has looked into alternate entrances from El Toro Road to alleviate average daily trips on Moulton Parkway.

Mr. Harris discussed the existing two points of access to PA 7 from Moulton Parkway, near Via Campo Verde, and El Toro Road at the equestrian center. He suggested that there might be a request to move the El Toro Road entrance to provide straight-through access, should the land be expanded as part of the final plan.

Mayor Hack discussed his concerns with hydrology and flooding on El Toro Road. He suggested that the issue be addressed as part of any land development.

Mr. Harris acknowledged that engineering analysis would be required as part of the specific plan and that such analysis would be subject to approval by the City Engineer.

Mayor Hack noted that the issue has been looked at with previous projects, but he was not certain if it has been reviewed in light of development proposed.

Mayor Pro Tem Connors asked if it would be possible to provide a golf cart path from the Home Depot Center through PA 7 at Via Campo Verde, to enhance golf cart access to PA 2, PA 3 and PA 4. She stated that if the path begins and ends on public property, access would be provided to the general public.

Mr. Harris stated that the residents have proposed the idea; however, the issue would be subject to land use discussions and require coordination with the City and Home Depot.

LUDR Committee Member Heilbronner asked what the advantage would be, if any, to residents of Laguna Woods Village to build on the Urban Activities Center.

Mayor Hack stated that the City Council cannot comment on that type of issue at this time.

LUDR Committee Member Sortino asked if the designation of PA 7 as Light Industry would open it up to a non-Village use.

Mr. Harris stated that the land use goal is to provide flexibility and expansion capability for GRF facilities.

LUDR Committee Member Hatch asked for clarification if all of the proposed uses are for “in-house” use by Laguna Woods Village.

Mr. Harris responded that they are.

City Manager Keane clarified that the City cannot zone uses specific to the gated community. The City's action would allow the Village to determine if they keep, sell or lease their property.

Mayor Hack concurred with City Manager Keane.

Mayor Pro Tem Conners noted that the City would take action to allow a certain use of the property but it would be up to the owner to restrict the use of the property.

Mayor Hack thanked Ms. Newman and Mr. Harris for the presentation.

## **V. PUBLIC COMMENTS**

Mayor Hack reiterated that comments pertaining to the previous presentation or any other comments, in general, can be made at this time.

Phyllis Walker, resident, stated that she was confronted by a coyote near her front door and she would like "extreme measures" to continue year-round to control the problem.

Pam Grundke, resident, responded to Mr. Heilbronner's earlier inquiry and stated that it is her understanding that the purpose of the uses proposed in the specific plan is to limit the uses for "in-house use." She thanked Bob Hatch and Ms. Newman for their assistance and response throughout the community outreach process.

## **VI. ADJOURN LAND USE AND DESIGN REVIEW COMMITTEE MEETING**

Chair Lindstrom adjourned the Land Use and Design Review committee meeting at 2:56 p.m. to the next regularly scheduled meeting on September 8, 2011 at 9:00 a.m.

Mayor Hack announced a five minute recess. The City Council reconvened at 3:01 p.m.

## **VII. PRESENTATIONS**

None

## **VIII. CITY PROCLAMATIONS**

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to approve City Proclamation 8.1, entitled:

8.1 Constitution Week, September 17 – 23, 2011

City Manager Keane noted that Lori Sassoon, City Manager for the City of Villa Park, is present but must leave to another meeting. She requested that Agenda Item 12.1 be moved forward following the consent calendar. There were no objections.

## **IX. CONSENT CALENDAR**

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to approve Consent Calendar Items 9.1 – 9.4.

### 9.1 City Council Minutes

Approved the minutes from the July 20, 2011 regular meeting and July 28, 2011 special meeting.

### 9.2 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.

### 9.3 Treasurer's Reports

Received and filed the July 2011 monthly and Fiscal Year 2010-11 Fourth Quarter Treasurer's Reports.

### 9.4 Warrant Register

Approved the August 17, 2011 Warrant Register in the amount of \$1,883,970.09.

## **X. PUBLIC HEARING – None**

## **XI. CITY COUNCIL**

### 11.1 Foie Gras (agendized by Mayor pro Tem Connors)

Mayor Pro Tem Connors discussed recent events in the community which called for the City Council's action to address human rights against coyotes. She believes that the foie gras resolution presents an issue of animal rights. She acknowledged that other City Councilmembers may feel that the issue does not directly relate to the community, but that she feels that the community's actions demonstrate a compassion for animal rights.

Moved by Mayor Pro Tem Connors and seconded by Councilmember Rhodes to approve a resolution commending restaurants that do not serve foie gras.

Mayor Hack stated that he does not believe in supporting a law that does not directly affect the community, and he is unaware of any restaurant in the City that serves foie gras. He stated that the City would be better served to speak on issues that can be taken more seriously.

Councilmember Ring announced that he is not a strong supporter of this issue; however, he is sympathetic to the manner in which the resolution is drafted. He congratulated Mayor Pro Tem Connors for drafting the resolution in a positive manner. He stated that he and Mayor Hack represent the City on regional issues and that they receive negative comments from other elected officials regarding the City Council's actions on certain

issues. He is concerned that this will draw the same negative attention, but supports the resolution as it is written.

Councilmember Rhodes stated that he received a telephone request to support the issue and feels the sentiment, not to force-feed animals, is correct. He discussed his own experience to witnessing animal cruelty during his study in pharmaceuticals and believes that there must be a balance. He stated that he believes the resolution is reasonable and suggested that regulation should be left for the State to enforce.

Councilmember Robbins asked if the ban to produce foie gras from force fed ducks and geese is a State law.

City Manager Keane affirmed that it is a state law, but will not be effective until 2012.

Councilmember Robbins agreed that the resolution is well drawn and stated he would support it.

Rose Tingle, resident, urged the City Council to approve the resolution.

Kath Rogers, Programs Director for the Animal Rescue League, urged the City Council to approve the resolution.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Rhodes and voted to approve Resolution No. 11-18 commending restaurants that do not serve foie gras, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA WOODS, CALIFORNIA COMMENDING RESTAURANTS  
AND STORES THAT DO NOT SELL FOIE GRAS

AYES: Rhodes, Ring, Robbins, Conners

NOES: Hack

ABSTAIN: None

**XII. CITY MANAGER**

**12.1 Electric Utility Undergrounding**

This item was considered immediately following the Consent Calendar.

Assistant City Manager Reilly summarized the agenda report and asked that the language in the agreement be changed from “allocation” to “loan” to clarify that only a portion of the City’s allocation would be on loan to the City of Villa Park, not the entire allocation.

Mayor Hack asked Mr. Reilly to clarify the loan amount and form of the loan.

Mr. Reilly reiterated that \$80,000 is the loan amount from the City’s electric utility undergrounding allocation. The current balance in that fund is \$450,000. Villa Park

would pay an additional \$5,000 fee to the City's General Fund.

City Manager Keane stated that the City would deposit \$5,000 in the General Fund and would receive an additional \$40,000 for the City's own undergrounding projects.

Moved by Councilmember Robbins and seconded by Councilmember Ring to approve an agreement with the City of Villa Park to loan \$80,000 in Rule 20A electric utility undergrounding funds held by Southern California Edison, and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

Councilmember Ring asked for clarification of paragraph two of the agreement.

Assistant City Manager Reilly stated that instead of saying "Laguna Woods Allocation," it would be changed to "Laguna Woods Loan," as referenced in Section D under Recitals.

City Manager Keane suggested that the language in Section 2, under Agreement, be changed to read: "...Laguna Woods shall deliver a written request to SCE to transfer the entire balance of the Rule 20A Loan contained in the Laguna Woods..."

Mayor Pro Tem Connors stated that this is a win-win situation and that she is in favor of the agreement. She asked if the City is subject to usury loans.

City Attorney Cosgrove responded that the City is not subject to usury loans in this context.

Councilmember Rhodes asked City Attorney Cosgrove if he is comfortable with the terms of the agreement.

City Attorney Cosgrove stated that he is and that he was consulted on the agreement.

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to approve an agreement, as amended, with the City of Villa Park to loan \$80,000 in Rule 20A electric utility undergrounding funds held by Southern California Edison, and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

## 12.2 Environmental Mitigation Fund – Building Permit Subsidies

City Manager Keane summarized the agenda report.

Councilmember Rhodes announced his support, but proposed that the City also reduce the current dishwasher and refrigerator replacement permit fees since there is no alteration or new construction required to replace the appliances.

City Manager Keane clarified that a permit is not required to replace refrigerators. She explained that most cities require a permit for dishwasher replacements to ensure that the backflow device is installed properly. She further noted that a modification to these fees would have to go through a public hearing process.

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to revise building permit subsidies for certain environmental improvements, and transfer \$10,000 from the Council Contingency account to support the program in the current fiscal year.

### **XIII. COMMITTEE REPORTS**

- 13.1 Transportation Corridor Agencies (Mayor Hack)  
Mayor Hack stated that there was no meeting.
- 13.2 Orange County Library Board (Councilmember Robbins)  
Mayor Robbins stated that the next meeting will be held on October 6, 2011.
- 13.3 Orange County Fire Authority (Councilmember Rhodes)  
Councilmember Rhodes stated that there was no meeting.
- 13.4 Southern California Water Committee (Mayor Hack)  
Mayor Hack reported on a meeting he attended that included a presentation by a seismic specialist who discussed flooding issues.
- 13.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)  
Mayor Pro Tem Conners stated that there was no meeting.
- 13.6 Laguna Canyon Foundation (Councilmember Rhodes)  
Councilmember Rhodes stated that there was no meeting.
- 13.7 Vector Control District Board (Councilmember Robbins)  
Councilmember Robbins stated that the next meeting is scheduled for August 18, 2011. He provided the following local and national report, as of July 31, 2011: no dead birds in Laguna Woods; three dead birds in Laguna Hills tested negative; and 12 human cases of West Nile Virus, including one in California, four in Arizona, and one fatality in Texas.

### **XIV. CITY COUNCIL COMMENTS AND REPORTS**

- 14.1 Reports on Meetings Attended per Government Code §53232.3

- A. Municipal Water District of Orange County Dinner (Hack, Ring) – July 21, 2011
- B. Southern California Water Committee (Hack) – July 28, 2011

Councilmembers in attendance at these meetings discussed the items discussed and information provided.

- 14.2 Other Meetings, Comments and Announcements

Mayor Pro Tem Conners reported on a recent meeting of the Orange County Waste and Recycling Commission. She encouraged residents to take their grandchildren to visit the Discovery Science Center to experience an interactive recycling exhibit.

Councilmember Rhodes discussed an event he attended celebrating the 6<sup>th</sup> anniversary of the Great Park, hosted by Great Park Chairwoman Beth Krom.

Mayor Hack reported on a presentation from Irvine Ranch Water District (IRWD) Board Member Peer Swan regarding buying pieces of land and storing water underground in Kern County to preserve several years' worth of water for IRWD.

## **XV. CLOSED SESSION**

- 15.1 The City Council met in closed session to confer with legal counsel regarding one matter of pending litigation: City of Laguna Woods vs. Raintree Realty LLC. Case No. 05 CC 09350 pursuant to the provisions of Government Code Section 54956.9(a).

The City Council reconvened in open session at 4:35 p.m. City Attorney Cosgrove advised that there was no reportable action.

## **XVI. ADJOURNMENT**

The meeting was adjourned at 4:52 p.m. to a meeting at 2:00 p.m. on Wednesday, September 21, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, Deputy City Clerk

Adopted: September 21, 2011

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BERT HACK, Mayor