

**CITY OF LAGUNA WOODS, CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING  
December 7, 2011  
2:00 P.M.**

---

**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.

**II. FLAG SALUTE**

Councilmember Robbins led the flag salute. He asked the audience to remember those who served and lost their life during the attack at Pearl Harbor.

**III. ROLL CALL**

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

STAFF PRESENT:       City Manager Keane; Assistant City Manager Reilly; Public Safety Director Macon; Deputy City Clerk Trippy; City Attorney Cosgrove

**IV. PRESENTATIONS**

4.1 Orange County Grand Jury Member Recruitment – Helen Alberts

Ms. Alberts provided leaflets and discussed the benefits of volunteering for the Orange County Grand Jury.

Mayor Pro Tem Conners asked the length of term.

Ms. Alberts stated that a term is for one year.

City Manager Keane announced that the information will be included on the City’s website.

Councilmember Ring stated that as a former member of the grand jury, he highly encouraged residents to serve as a volunteer for a great learning experience.

**V. CITY PROCLAMATIONS – None**

**VI. CONSENT CALENDAR**

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to approve Consent Calendar Items 6.1 – 6.12.

6.1 City Council Minutes

Approved the minutes from the November 16, 2011 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 Warrant Register

Approved the December 7, 2011 Warrant Register in the amount of \$298,916.73.

6.4 Special Events and Temporary Use Regulations

Adopted **Ordinance No. 11-07** modifying special event and temporary ordinance regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTERS 13.06 AND 13.26 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO TEMPORARY USES AND SPECIAL EVENTS AND ADDING CHAPTER 7.20 TO THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SPECIAL EVENTS

6.5 Emergency Management

Adopted **Ordinance No. 11-08** modifying Disaster Council membership and emergency management powers, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 7.04 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO EMERGENCY MANAGEMENT

6.6 Moulton Parkway and Ridge Route Landscape

Awarded a contract to STL Landscape, Inc. on the amount of \$221,376, plus authorized change order not to exceed 15% of the base amount; and authorized the City Manager to execute the contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

6.7 Energy Efficient Traffic Safety Street Lights

Awarded a contract to Traffic Development Services in the amount of \$25,836, plus authorized change orders not to exceed 10% of the base amount; and authorized the City Manager to execute the contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

6.8 City Centre Park

Accepted project completion of a contract with Atom, Inc. for the City Centre Park and authorized release of contract retention in the amount of \$33,995.83, thirty-five days following recordation of Notice of Completion with the County of Orange.

6.9 Development Impact Fees Annual Report

Received and Filed.

6.10 Investment Policy

Approved **Resolution No. 11-23** ratifying the City's 2011 Investment Policy, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACKNOWLEDGING THE REVIEW, RECEIPT AND FILING OF THE ANNUAL STATEMENT OF INVESTMENT POLICY

6.11 Orange County Transportation Authority Cooperative Agreement

Approved Cooperative Agreement No. C-1-2628 between the Orange County Transportation Authority and City of Laguna Woods to allow use of federal transportation enhancement project funds for the El Toro Road/Aliso Creek Road Phase II Project; and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.12 Measure M2 Expenditure Report

Approved **Resolution No. 11-24** adopting the City of Laguna Woods Measure M2 Expenditure Report, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LAGUNA WOODS

**VII. PUBLIC HEARING – None**

**VIII. CITY COUNCIL**

8.1 Fuel Storage at San Onofre Nuclear Generating Station (SONGS)

Mayor Hack stated that at the request of Bertov Moldow, resident, the City Council scheduled a discussion to decide whether to send a letter to appropriate elected and appointed officials regarding storage of used fuel rods that could be stored off-site. Mayor Hack discussed various information he received while recently touring San Onofre. He reminded the audience that even if the plant was forced to shut down, removal of the casks cannot be done because the state of Nevada is not willing to

store them.

Mayor Pro Tem Conners stated that the topic of discussion is the storage of nuclear waste; however, the general issue is safety of the nuclear plant. She concurs with Mayor Hack that the visit was very informative. She discussed the maintenance process at SONGS and expressed confidence that all precautions have been taken into account. She made a reference to the City's recent action regarding coyotes and the difficulty in finding another City to accept dangerous transported animals. She noted that it is even more difficult to find off-site storage for nuclear waste and, therefore, she would not support writing a letter.

Councilmember Rhodes noted that public safety is a primary concern of his and suggested that a letter should be sent expressing the City's concerns. He suggested that an enrichment reprocess that would bring fuel to useable levels would be a progressive step and to shut down the plant would be a regressive change.

Mayor Pro Tem Conners addressed Councilmember Rhodes' comments regarding reprocessing of fuel and stated that the method produces large amounts of residue which is much more hazardous and that the government has established a policy against it.

Mayor Hack stated that the reprocessing of fuel had been discussed at the tour and that many other issues were also addressed extensively.

Galal Kernahan, resident, concurred with some of the issues mentioned by Mayor Hack; but he raised three issues 1) the seismic situation off shore; 2) the existing vertical wall versus the v-shaped built in Japan; and 3) human error. He stated that SONGS has the worst safety record and that residents are already paying to have the nuclear waste relocated, as evidenced by the nuclear decommission fee on monthly electric bills.

Mel Kernahan, resident, stated that she was informed that there is a surplus of electricity and, therefore, cannot understand why there is a need to continue to keep SONGS open. She suggested that money would be better used to develop ways to shut down the dangerous plant.

Mayor Hack clarified that the City has experienced brown-outs in the past as a result of shortage of electricity. Shutting down power plants would only increase the state's inability to cope with the current situation.

Bert Moldow, resident, asked if anyone would be willing to build their home at the top of a volcano and stated that a similar concept applies at SONGS.

Mayor Hack noted that most of the residents who live in the vicinity of SONGS were aware of its existence before they moved to the area and appear willing to accept the situation. He suggested that Mr. Moldow limit his comments to suggestions as to how to shut down the plant.

Mr. Moldow noted that closing down the plant could take years. He addressed various issues including retrofit costs associated with extending the life of the plant for an

## ITEM 6.1

additional 20 years, possible terrorism issues, increased greenhouse gas emissions, and tide measures. He further stated that a greater emphasis on conservation can be achieved if SONGS is closed, and that job created from alternative energy production could replace jobs lost. He suggested that energy waste should be moved to a military site and that it is up to the public to make this happen.

Mayor Pro Tem Conners noted that SONGS had actually maintained one of the best safety ratings until three years ago. The Nuclear Regulatory Commission has reported that SONGS currently has average to top ratings in safety. She concurred with Mayor Hack that trying to enforce a policy aimed at zero chance of disaster would prove to be difficult.

Mayor Hack stated that although he requested this item be agendaized, he will not move the issue. He asked if any members of the Council wished to make a motion.

Councilmember Rhodes suggested that a letter should be sent to the federal government regarding moving used fuel casks away from the populated areas and possibly into Camp Pendleton.

There being no second to Councilmember Rhodes' motion, the motion failed.

## **IX. CITY MANAGER**

### 9.1 Red Light Photo Enforcement Program

City Manager Keane introduced Public Safety Director Macon who summarized the agenda report and noted that the current contract is due to expire at the end of December 2011. The proposal to extend the contract includes modified conditions and reduced pricing.

Councilmember Rhodes asked about the annual cost for the City to maintain the program.

Public Safety Director Macon stated that it is difficult to pinpoint the total cost, but based on the proposed amendment the City would break even or may have some revenue in excess of costs.

Mayor Hack suggested that the cost depends on the Court's actions that require the contractor, staff, and the Sheriff's Deputy to appear before the court which adds to the cost.

Councilmember Ring asked for clarification if the Council has the ability to terminate with 45-days notice.

Public Safety Director Macon affirmed that Council has the ability effective July 1, 2012.

Councilmember Ring stated that the program continues to provide a value to the community, and as long as the cancellation policy is in place and the fees are below the initial \$50,000 monthly fee, he would like to proceed with the proposed amendment.

## ITEM 6.1

City Manager Keane asked for clarification about the cancellation clause in the proposed amendment.

Public Safety Director Macon clarified that the City cannot terminate the contract during the first six months January 1, 2012 - June 30, 2012. A 45-day "no cause" termination notice is effective July 1, 2012.

City Attorney Cosgrove concurred with Mr. Macon.

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to approve a third amendment to the agreement between the City of Laguna Woods and Redflex Traffic Systems, Inc. for automated red light photo enforcement systems; and authorized the City Manager to execute the amendment, subject to approval as to form by the City Attorney.

Mayor Hack noted an addendum pertaining to the San Onofre Nuclear Generating Station discussion and asked how an evacuation plan would be implemented in the event of a disaster.

Public Safety Director Macon noted that staff and a consultant are currently working on an evacuation plan as a part of the Hazard mitigation grant project.

### 9.2 Fire Hazard Severity Zones

City Manager Keane summarized the agenda report and stated that the state requires the City to adopt a very high fire hazard severity zone map for an in the general vicinity of Village Gates 9 and 10. A public hearing is scheduled for January 18, 2012 for discussion on the proposed ordinance as well as a proposal to establish high and moderate fire hazard severity zones. In addition City and Orange County Fire Authority staff are recommending new construction and building modification standards for all three zones.

Councilmember Ring noted that three Councilmembers live near the area.

City Manager Keane noted that fire hazard severity zones do not affect the Councilmembers any differently than other residents in these areas.

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to approve introduction and first reading of an ordinance establishing fire hazard severity zones in the City, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, ADDING CHAPTER 10.13, FIRE HAZARD SEVERITY  
ZONES, TO THE LAGUNA WOODS MUNICIPAL CODE

Councilmember Rhodes asked if Building Official Gates has the proposed code readily available for reference.

City Manager Keane clarified that the very high fire severity hazard zone requirements

for new construction were adopted by the Council at the end of 2010.

## **X. COMMITTEE REPORTS**

- 10.1 Transportation Corridor Agencies (Mayor Hack)  
Mayor Hack reported that the Agency is acting as the administrative hearing authority on objections to the collection of Development Impact Fees used to pay off the bonding that built the roads. Six appeals are scheduled to be heard.
- 10.2 Orange County Library Board (Councilmember Robbins)  
Mayor Robbins reported that there was no meeting.
- 10.3 Orange County Fire Authority (Councilmember Rhodes)  
Councilmember Rhodes reported that he was unable to attend the November 17, 2011 meeting. He discussed the fire at 885-B Ronda Sevilla that sustained property damage estimated at \$140,000 and \$175,000 in contents. He urged residents to install proper and operational smoke alarms.
- 10.4 Southern California Water Committee (Mayor Hack)  
Mayor Hack reported that he, Councilmember Ring, City Manager Keane, and Public Safety Director Macon attended the annual quarterly dinner and that retired Judge Wanger was the guest speaker.
- 10.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)  
Mayor Pro Tem Conners stated that there was no meeting.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)  
Councilmember Rhodes reported that service and operations are running well under the direction of new Chief Executive Officer Barella. The education plan for under-served schools has been expanded, acquisition of 15 properties inside and outside of the park continues, and the Big Bend restoration area is in progress with the help of the conservation corps and volunteers.
- 10.7 Vector Control District Board (Councilmember Robbins)  
Councilmember Robbins reported that a meeting is scheduled for December 15, 2011.

## **XI. PUBLIC COMMENTS – None**

## **XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS**

### 12.1 Reports on Meetings Attended per Government Code §53232.3

Councilmember Ring reported on a meeting he attended at the League of California Cities that included a lecture from Carpi, Clay and Smith, a lobbying firm, who suggested minimal federal grant funding is to be expected, and that cities need to present a unified force when they present requests. County of Orange Budget Director Frank Kim discussed the County's budget problems and their recent action to reduce property tax receipts provided to schools.

City Manager Keane noted for the record that Councilmember Rhodes and Mayor Hack were unable to attend the meeting.

## 12.2 Other Meetings, Comments and Announcements

Councilmember Ring stated that there was no meeting held by LAFCO.

Mayor Hack reported on a meeting he attended with SCAG that included presenters from the state, local, business, and environmental agencies. SCAG represents planning for 17 million people within its region.

Councilmember Ring noted that Mayor Hack is considered to be one of most effective speaker, as the community's voice, at SCAG. He discussed the executive summary of the 2012 SCAG Regional Transportation Plan with an overall support to proceed.

Mayor Pro Tem Conners noted that there was no meeting held by the Waste Management Commission.

Councilmember Rhodes reported on a meeting he attended with the Orange County Transportation Authority where traffic congestion at 384 traffic light intersections was discussed. Congestion is primarily caused by traffic lights and buses. He reported that plans are underway to widen the 91 FWY to five lanes in each direction between the 55 FWY and 241 Tollroad. A survey was conducted for customer satisfaction of OCTA routes and services that resulted 82-95% negative comments.

Mayor Pro Tem Conners announced that Laguna Woods Village is providing pine cuttings at Via Campo Verde for the holiday season. She discussed the golf cart charger thefts which have occurred recently in the basements at the three-story buildings in the Village and asked residents to take caution and be alert. She reminded residents the need for fire insurance and asked that there be support for local businesses during the time of gift-giving.

Mayor Hack stated that traffic on El Toro Road has continued to back up near Gates 1 and 5.

City Manager Keane replied that emergency response vehicles trigger the pre-emption equipment that may cause the lights have short green cycles.

Mayor Hack stated that he observed ongoing traffic congestion within a two-hour period.

Councilmember Rhodes stated that he has experienced similar congestion at the same intersection.

City Manager Keane indicated that a power outage earlier in the week triggered the battery back-up system, causing the signals at this intersection to flash red and that this resulted in heavy traffic congestion. City Manager Keane noted that staff will have the City's traffic engineer review the timing to see if needs to be modified. The traffic light

near Clubhouse 7 will be reviewed as well due to frequent traffic back-ups.

Councilmember Rhodes stated that the traffic light at eastbound Gate 8 does not flash. He asked if it is caused by a faulty battery back-up because the westbound light works fine.

City Manager Keane stated that staff will look into this. She encouraged residents to report any problems observed immediately to staff so that the issue can be addressed.

### **XIII. CITY COUNCIL REORGANIZATION**

#### **13.1 City Council Reorganization – Office of Mayor**

Outgoing Mayor Hack thanked the Council for its cooperation in achieving many City accomplishments during the past year. He noted successful meetings with Orange County Supervisors and the Orange County Transportation Authority for potential plans for funding allocation that otherwise would have been lost.

Moved by Councilmember Ring, and voted by acclamation to appoint Mayor Pro Tem Conners as Mayor to serve for the period December 2011 to December 2012.

Mayor Conners thanked the Council and former Mayor Hack for his leadership on behalf of the residents as well as taking on regional issues. She stated that her focus will include “green issues”, increasing residents’ involvement in local government, and that she will participate in meeting with residents.

#### **13.2 City Council Reorganization – Office of Mayor Pro Tem**

Nominated by Councilmember Robbins, and voted by acclamation to appoint Councilmember Ring as Mayor Pr Tem for the period December 2011 to December 2012.

### **XIV. CLOSED SESSION**

#### **14.1 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 4:43 p.m. City Attorney Cosgrove advised that there was no reportable action.

### **XV. ADJOURNMENT**

The meeting was adjourned at 4:43 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, January 18, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

---

YOLIE TRIPPY, Deputy City Clerk

Adopted: January 18, 2011

---

CYNTHIA S. CONNERS, Mayor