

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
April 20, 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 Conners led the flag salute and asked the audience to keep in mind members of the armed forces and their families.

III. ROLL CALL

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

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

IV. PRESENTATIONS

4.1 OCTA Renewed Measure M (M2): OCTA Chair/O.C. Supervisor Patricia Bates

Mayor Hack introduced Supervisor Bates and noted her support for South Orange County issues.

Mayor Pro Tem Conners accepted a plaque from Supervisor Bates as appreciation for the City's participation in the South County Senior Summit.

On behalf of the Orange County Transportation Authority (OCTA), Supervisor Bates discussed Measures M and M2 and presented the City Council with a proclamation regarding the City's successful partnership with OCTA.

V. CITY PROCLAMATIONS

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to approve City Proclamation 5.1, entitled:

5.1 Earth Awareness Days, April 22 – 29, 2011

VI. CONSENT CALENDAR

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried

unanimously to approve Consent Calendar Items 6.1 – 6.8.

6.1 City Council Minutes

Approved the minutes from the March 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 Treasurer's Report

Received and filed the March 2011 monthly Treasurer's Report.

6.4 Warrant Register

Approved the April 20, 2011 Warrant Register in the amount of \$684,753.14.

6.5 General Plan Annual Update

Approved submittal of the 2010 General Plan Annual Update to appropriate agencies.

6.6 Administrative Policy 4.14: Transitional Return to Work

Approved Administrative Policy 4.14 establishing a policy for transitional return to work following an employee injury or illness.

6.7 Community Development Block Grant

Approved the second amendment to the cooperation agreement between the City of Laguna Woods and the County of Orange for the distribution of Community Development Grant Funds; and authorized the Mayor to execute the agreement subject to approval as to form by the City Attorney.

6.8 Disaster Recovery Initiative Funding

Approved Resolution No. 11-06 reaffirming submission of a grant application, entitled:

A RESOLUTION OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, REAFFIRMING APPROVAL FOR SUBMITTAL OF
AN APPLICATION FOR 2008 DISASTER RECOVERY INITIATIVE
FUNDING

VII. PUBLIC HEARING – None

VIII. CITY COUNCIL

8.1 Appointment of Police Chief

City Manager Keane introduced Lieutenant Rudy who has been assigned to the City of Laguna Woods by the Orange County Sheriff's Department.

Lieutenant Rudy discussed his background and stated that he looks forward to continuing to keep the city safe.

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to appoint Lieutenant James Rudy as City of Laguna Woods Police Chief.

Mayor Hack introduced David Cosgrove, the new City Attorney from Rutan & Tucker.

8.2 Golf Cart Use on El Toro Multimodal Trail/Sidewalk (agendized by Councilmember Rhodes)

Councilmember Rhodes summarized his agenda report.

Mayor Hack asked if Councilmember Rhodes' reference to CJPIA is a direct quote.

City Manager Keane stated that staff has contacted CJPIA and that they stated that there would be no additional liability from allowing golf carts on the trail. The liability would be no different than from allowing electric vehicles, Segways, bicycles, and pedestrians.

Councilmember Ring asked how the success of the trial period would be judged.

Councilmember Rhodes responded that it would be determined by the public's feedback and records of incidents and accidents. He suggested soliciting opinions via email, phone, mail, or other means of communication.

Councilmember Ring asked if a public hearing would be held.

Councilmember Rhodes responded that a public hearing would be a good idea.

City Manager Keane noted that while a public hearing is not required, the City Council could call a public hearing if they wish. Public hearings include notice in the newspaper.

Councilmember Rhodes stated that he sees no objection to that.

City Manager Keane explained that the City's Municipal Code requires the City Council to adopt a resolution allowing golf cart use on the El Toro Multimodal Trail/Sidewalk for a three-month trial period. Staff can place a resolution on the May City Council agenda.

Mayor Pro Tem Conners stated that she is in favor of moving forward on this issue in order to enhance senior mobility and provide safe routes for golf carts.

Councilmember Robbins stated that since CJPIA does not feel that the City would be at greater risk as a result of this proposal, he is in favor of the three-month trial period.

Mayor Hack stated that he understands the need for mobility, but has reservations about

the intersection of golf cart and vehicle traffic. He believes that the concern is lessened on sidewalks and stated that he is not unwilling to try a trial period. He noted that there is a distinction between golf cars and golf carts.

Mayor Pro Tem Conners asked if golf cars are authorized on sidewalk.

City Manager Keane confirmed that golf cars are not allowed on the City's golf cart trails because of their higher maximum speeds and increased weight, which the trail is not built to accommodate.

Mayor Pro Tem Conners suggested that speed limit signs be installed.

City Manager Keane stated that the City could post signs, however golf carts do not have speedometers, some bicycles travel faster than golf carts, and the City would have no ability to check speeds.

Mayor Pro Tem Conners asked if the Orange County Sheriff's Department could provide a record of golf cart related incidents by the end of the trial period.

Lieutenant Rudy responded that the Sheriff's Department could provide such a report.

City Manager Keane noted that the City has the ability to issue administrative citations, as well, and would report that information to the City Council.

At Mayor Hack's request, City Manager Keane explained that golf cars can travel no more than 25 mph and that they can ride on streets in areas with speeds posted at 35 mph or less.

Councilmember Ring suggested that rather than post speed limits the City can't enforce, violators be made subject to reckless driving citations.

City Manager Keane responded that the City and Sheriff's Department would have no ability to cite for reckless driving on sidewalks because sidewalks and golf carts are not subject to the Vehicle Code.

Mayor Hack suggested that people need to be considerate of one another and that repeat violators can be dealt with separately.

City Manager Keane suggested that the City Council ask the Public Safety Committee to review the results of the trial period and provide recommendations.

Councilmember Rhodes noted that Laguna Woods Village is investigating additional golf cart paths of travel. He also favors some sort of signage on the trail that would encourage drivers to be courteous and cautious of others.

Mayor Hack stated that it is the consensus of the City Council to consider a resolution at the regular May meeting allowing golf cart use on the trail for a trial period.

City Manager Keane noted that CJPIA suggested placing signs at the entryways to the trail, indicating that a variety of vehicles share the trail and encouraging the use caution.

IX. CITY MANAGER

9.1 City Centre Park Termination and New Contract Award

Assistant City Manager Reilly summarized the agenda report.

Mayor Hack asked if the current contractor has ceased all activity.

Assistant City Manager Reilly confirmed that the contractor has ceased work related to the park; however the City is requiring that he remove dirt that was improperly dumped by the end of the day.

Mayor Hack suggested that the contract with Southland Construction be terminated and all associated issues resolved, prior to entering into another contract.

City Manager Keane commented that the contractor has ceased all work on the project and has agreed to the termination in writing. In order to complete the project on time, the City needs to file the Notice of Cessation and sign a new construction contract as soon as possible.

Mayor Hack expressed liability concerns if the City Council acts in futuro.

City Manager Keane stated that the City could take legal action regarding the contractor's performance bonds, if necessary.

City Attorney Cosgrove stated that because of the time and funding constraints on this project, the amount of funding at risk by not entering into a new contract immediately poses a greater risk than terminating the contract while entering into a new contract.

Mayor Hack asked if the City is concerned with the amount of money owed to the current contractor.

City Manager Keane stated that approximately \$11,000 is owed to the contractor and any damages caused to the property could be deducted from that amount or from the performance bond.

Cris Robinson, on behalf of the Golden Rain Foundation, stated that GRF and the City have entered into an agreement allowing the use of GRF property as a staging area. A new agreement would be required if the contractor changes.

City Manager Keane stated that Assistant City Manager Reilly would contact Ms. Robinson if the City Council takes action.

Moved by Councilmember Rhodes, seconded by Councilmember Ring, and carried unanimously to:

- A. Terminate the existing contract with Southland Construction, Inc., for construction of City Centre Park, and authorize the City Manager to exonerate project posted bonds 35 days following recordation of a Notice of Cessation with the County of Orange.
- B. Award a contract to Atom, Inc. in the amount of \$341,040.50, and authorize the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

9.2 Orange County Deputy Sheriff's Memorial Highway

Lieutenant Rudy summarized the agenda report.

Mayor Hack asked if the Sheriff's department would be speaking to every city affected by the roadway.

Lieutenant Rudy stated that they would.

Mayor Hack asked if the memorial highway will be recognized with a plaque.

City Manager Keane responded that there would be no signage in the City; however, a sign will be posted at the beginning and end of El Toro Road.

Lieutenant Rudy stated that signs will be placed at Santiago Canyon and Emergency Operations Center Road and at the terminus of El Toro and Laguna Canyon Road.

Mayor Pro Tem Conners asked why signs will not be placed along the middle of the road.

Lieutenant Rudy stated that it would be up to individual cities to place additional signs.

Mayor Pro Tem Conners asked if cities would be required to raise their own funds.

Lieutenant Rudy stated that the plan is to find public donations. He did not know what the cost of the signs is.

City Manager Keane noted that placing signs in the medians would require specific City Council action due to existing prohibitions. It was the Sheriff Department's intent to have the first two signs placed and discuss additional signs at a later date.

Moved by Councilmember Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve Resolution No. 11-07 recognizing the designation of County Route S18 (El Toro Road) as the Orange County Deputy Sheriffs' Memorial Highway, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, OFICALLY RECOGNIZING THE
DESIGNATION OF COUNTY ROUTE S18 AS THE ORANGE
COUNTY DEPUTY SHERIFFS MEMORIAL HIGHWAY

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Mayor Hack)

Mayor Pro Tem Hack announced that the San Joaquin Transportation Corridor Agency is seeking a bond amendment.

10.2 Orange County Library Board (Councilmember Robbins)

Councilmember Robbins reported that the Library Board did not meet, but that a meeting of the Finance and Revenue Committee is scheduled for April 28, 2011 at 4 p.m. at the OC Public Libraries headquarters.

10.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes reported that OCFA has signed a contract with the City of Costa Mesa to provide fire protection services beginning May 1, 2011. The City of Laguna Woods' 2011 contribution to OCFA is \$2,605,534 which is in the lower mid-range. He also reported on a recent fire on Ronda Mendoza that was contained within 30 minutes

10.4 Southern California Water Committee (Mayor Hack)

Mayor Hack reported that Governor Brown announced the end of the water emergency, which complicates the likelihood of passing a much needed water bond.

10.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)

Mayor Pro Tem Conners discussed the history of Woods End Park and reported that the Coastal Greenbelt Authority accepted the lease agreement to include Woods End in the Laguna Coast Wilderness Park. The Board of Supervisors will consider the agreement at an upcoming meeting. The next meeting will be on May 19, 2011 at City Hall.

10.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes reported on reorganization efforts and a new mission statement.

10.7 Vector Control District Board (Councilmember Robbins)

Councilmember Robbins reported that there have not been any West Nile Virus findings in Laguna Woods. He is attempting to get a Laguna Woods-specific breakdown from the Vector Control District. A budget meeting and regular meeting are scheduled for April 21, 2011. An additional budget meeting is scheduled for April 28, 2011.

XI. PUBLIC COMMENTS – None

XII. 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 Ring reported on a recent South Orange County Watershed Management Area Executive Committee meeting. The City's annual dues are \$3,675. The Committee will meet twice a year to establish policies and distribute funds.

Councilmember Rhodes reported on a City of Irvine-sponsored event that he attended on environmental issues and public/private partnerships. He also discussed his attendance at a dedication of the Bommer Canyon Trail in Irvine's Turtle Rock community.

In light of the recent fire, Mayor Pro Tem Connors reiterated the importance of having home owners' insurance. She supported Councilmember Robbins' request for additional information from the Vector Control District, but noted that there may be reasons why the data is reported regionally. She also commended the Golden Rain Foundation for passing a resolution preventing the use of polystyrene (Styrofoam) and encouraged the public to participate in the City's Goods Exchange on April 23, 2011.

City Manager Keane noted that there will not be shredding at the Goods Exchange, however, the City will be collecting liquid medication.

XIII. CLOSED SESSION

City Attorney Cosgrove announced a typographical error on the agenda. Item 13.2 was intended to address City of Laguna Woods vs. Raintree Realty, Superior Court Case No. 05 CC 09350.

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).

13.2 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 3:57 p.m. City Attorney Cosgrove advised that there was no reportable action.

XIV. ADJOURNMENT

The meeting was adjourned at 3:57 p.m. to a meeting at 2:00 p.m. on Wednesday, May 4, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: May 18, 2011

BERT HACK, Mayor