

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
September 21, 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

Mayor Pro Tem Conners led the flag salute; she asked the audience to reflect on the events of 9-1-1 and encouraged the community to unite in commemorating the tragic events of that day.

III. ROLL CALL

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

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

IV. PRESENTATIONS – None

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 – 6.6.

6.1 City Council Minutes

Approved the minutes from the August 17, 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 August 2011 monthly Treasurer's Report.

6.4 Warrant Register

Approved the September 21, 2011 Warrant Register in the amount of \$556,735.16.

6.5 City Hall Automatic Sliding Glass Door

Awarded a contract to Pasco Doors in the amount of \$6,744.64, plus authorized change orders not to exceed 10% of the base amount; and authorized the City Manager to execute a contract and approved change orders, subject to approval of the contract as to form by the City Attorney.

6.5 Master Funding Agreement No. C-12722 between the Orange County Transportation Authority and City of Laguna Woods

Approved Master Funding Agreement No. C-12772 between the Orange County Transportation Authority and City of Laguna Woods to allow receipt of funds for specific transportation projects; and authorized the Mayor to execute the agreement, subject to approval of the contract as to form by the City Attorney.

VII. PUBLIC HEARING

7.1 Conditional Use Permit: Temporary Chain Link Fencing (CUP 740)

City Manager Keane introduced City Planner Drasler, who summarized the agenda report. The conditional use permit would allow an existing temporary chain link fence adjacent to the Village equestrian center to remain in place for up to three years. The applicant is the Golden Rain Foundation; the fence was installed by the County during the Moulton/El Toro intersection improvement.

Mayor Hack opened the public hearing.

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

Mayor Pro Tem Conners noted that she regularly drives past the area and feels that the fencing is not unsightly, and that three years is a reasonable amount of time to allow the plants to fully mature to provide screening to the equestrian center.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Robbins, and carried unanimously to approve **Resolution No. 11-19**, granting a conditional use permit to allow temporary chain link fencing with opaque sheeting along El Toro Road for up to three years, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 740) TO ALLOW TEMPORARY CHAIN LINK FENCING WITH OPAQUE SHEETING ALONG EL TORO ROAD FOR UP TO THREE YEARS LOCATED ALONG THE FRONTEAGE OF THE LAGUNA WOODS VILLAGE EQUESTRIAN CENTER PARKING LOT LOCATED AT 24312 EL TORO ROAD

VIII. CITY COUNCIL

8.1 Advisory Committee Appointments

City Manager Keane summarized the agenda report, noting one nomination to the Land Use and Design Review Committee.

Mayor Pro Tem Connors encouraged the public to get involved in City governance and suggested that anyone interested in volunteering for any of the committees should contact City Hall.

City Manager Keane noted that the Public Safety Committee has two vacancies (Mayor Hack and Councilman Robbins); and the Community Services Committee has one vacancy (Mayor Pro Tem Connors).

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

Land Use and Design Review Committee

Pat Feeney, nominated by Mayor Pro Tem Connors

IX. CITY MANAGER

9.1 Firearms Discharge Regulations

City Manager Keane summarized the agenda report, noting that the proposed ordinance would allow the city manager and police chief to issue discharge permits under very limited circumstances.

Libby Marks, resident, asked if the urgency ordinance would no longer be in effect.

City Manager Keane clarified that the proposed ordinance is the same as the urgency ordinance and would replace that ordinance, if adopted.

Ms. Marks asked if shooting permits would be issued.

City Manager Keane noted that permits for animal removal would only be issued as a last resort if needed. Permits for ceremonial firing would be issued as requested.

Councilmember Ring stated that the City is faced with no other options and that limited trapping and shooting of coyotes has proven to be effective. He cautioned that the situation may continue to occur periodically.

Moved by Councilmember Ring, seconded by Councilmember Robbins and carried unanimously to introduce and approve first reading of an ordinance modifying City regulations for the discharge of firearms, entitled:

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

**LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 7.06.010
OF THE LAGUNA WOODS MUNICIPAL CODE PRELATING TO
DISCHARGE OF FIREARMS**

9.2 Multimodal Trail Golf Cart Usage

City Manager Keane summarized the agenda report, noting that the Council's prior temporary approval of golf carts on the El Toro multimodal trail. The majority of the comments staff received during the three month trial period have been favorable, although there is some concern about speed and right-of-way on the trail. Some residents have also complained that golf carts do not adhere to traffic signals.

Harriet Arnest, resident, asked if golf carts would be permitted to use the sidewalk. She expressed concern that some residents of Laguna Woods Village lack the necessary skills to obtain a driver license and should not be driving a golf cart in the roadway or on sidewalks. She believes that other means of transportation fill the gap and does not support golf cart usage.

An unidentified resident stated that she is handicapped and a golf cart allows her to maintain her independence. She noted that she would like to see better golf cart routes to other locations in the City.

Mr. Frank, resident and PCM staff member, stated that he uses the sidewalk to get to work at the Village golf course and agrees with Ms. Arnest's concerns. Pedestrian and other trail user's need information about how to use the trail. He asked why there are two golf cart paths in front of St. Nicholas Church.

City Manager Keane stated that the additional path was constructed for golf cart use prior to allowing them on the El Toro multimodal trail.

Mayor Hack expressed reservations about golf cart use of public rights of way. He noted that pedestrians should always have the first priority; following that, secondly mobility scooters; and only third, bicyclists and golf carts. He stated that he believes strongly that a duty of care to other users should include a degree of order.

Councilmember Rhodes concurred with Mayor Hack in regards to the priority of sidewalk users. He suggested that golf cart users should be educated to exercise caution and drive responsibly.

Mayor Pro Tem Connors stated that the main purpose of the trial period was to see if sidewalk users can co-exist. She acknowledged reported incidents and concerns about the safety of all users, and asked if any injuries were reported during the trial period.

City Manager Keane stated there are no reports of injuries related to use of either of the multimodal trails.

Mayor Pro Tem Connors asked if the City's insurance provider, Joint Powers Insurance Authority (JPIA), is comfortable with the mixed use of the sidewalk.

City Manager Keane indicated that JPIA has not said that they are comfortable, but they believe that the City is at no greater risk from golf cart use on the multimodal trail than bicycle or Segway use.

Mayor Pro Tem Conners agreed with concerns raised regarding safety and asked if there are arrows that direct users which side of the trail to use.

City Manager Keane stated that the City Council made a conscious decision not to place directional signs on either the El Toro or Santa Maria trail because the limited trail width requires users to be able to pass if conditions are safe, and some walkers and mobility users travel side by side and cannot be easily accommodated in a single lane.

Mayor Pro Tem Conners suggested that the signs could state “please travel on the right side”.

City Manager Keane stated that current law outlines the use of bicycles on sidewalks. She proposed that the City instead install “Yield to Pedestrians” signs.

Mayor Pro Tem Conners stated that the City Council can only remind trail users to use caution. She asked how staff proposed to deal with the traffic signal issue.

City Manager Keane stated that staff is proposing to install a pedestrian signal push button located so that golf cart drivers can access it without leaving their cart.

Mayor Pro Tem Conners discussed the public’s request for golf cart access through Via Campo Verde and from the Village Gate 14 area to the Home Depot shopping center and noted that the gated community would need to provide access across private property.

Councilmember Rhodes asked if a sign that says “Keep Right” serves the same purpose as “Yield to Pedestrians”.

Mayor Hack indicated that he has a problem with “Keep Right” since that suggests everyone must stay to the right. He reiterated that the priority of users needs to be determined.

City Manager Keane stated that the City’s Municipal Code requires bicyclists must yield to pedestrians and that golf carts fall into the same category.

Councilmember Ring concurs with Mayor Hack that signs must indicate that pedestrians have the right of way. He asked how long before signs can be installed.

Assistant City Manager Reilly stated it would take two weeks.

Mayor Hack asked for clarification if the proposed pedestrian signal would allow golf cars to use the trail.

City Manager Keane clarified that that the signal would be specific to golf carts, not golf cars.

Mayor Hack suggested that golf cart drivers would be subject to the same rules as pedestrians.

City Manager Keane stated that walkers are following the law, while golf cart drivers sometimes behave as if they are not in the category of either pedestrians or vehicles and they ignore the traffic signals.

Mayor Hack concurred with Councilmember Rhodes that there should be an education program and he requested that staff develop and implement such a program.

City Manager Keane acknowledged Mayor Hack's request and reiterated that if the Council approved the staff recommendation, staff will install signs indicating golf cart users must yield to pedestrians; modify the signals at Gates 1 and 5; and develop an education program.

Mayor Hack asked what regulations Segways should follow and noted that a Segway user has less physical control than those using other types of mobility vehicles.

Councilmember Rhodes stated that a Segway is easy to use; however, the reaction times of some users might be a problem.

Mayor Hack stated that reaction time is slower in all types of vehicles due to the aging population.

City Manager Keane confirmed that state law includes Segways with mobility vehicles and that they are allowed on sidewalks, unless specifically prohibited by the City.

Mayor Hack asked City Attorney Cosgrove who has the right of way, in the event an accident occurs between a Segway and an individual.

Attorney Cosgrove stated that there is no definitive answer to liability questions such as this and fault is generally determined by negligence. He further noted that the City has immunity for trail use.

Councilmember Rhodes proposed that Council take no action in the proposed resolution and return after 30 days to report back with remedial actions.

City Manager Keane reiterated that the current authorizations for golf carts to use the El Toro trail has expired and that unless Council takes an action, they will be prohibited immediately.

Councilmember Robbins noted that he is in favor of allowing golf cart use on the El Toro trail; he believes that the majority of users will be respectful and that with proper signage and public education, the program should work in a satisfactory manner.

Councilmember Rhodes suggested that the City work in cooperation with the Laguna Woods Village (LWV) to provide an educational pamphlet to LWV registered golf cart owners, at the City's expense.

Mayor Hack noted that the sidewalk is a public right-of-way that can be used by anyone residing outside of the City and that education should not be limited to Village residents.

Councilmember Ring suggested that education can be provided with an article in The Laguna Woods Globe. The news in the community would also spread quickly if the City's police services issues citations to those who break the law.

City Manager Keane suggested that if the Council approves the resolution, it can also rescind it at a later date if there are problems with the trail usage.

Mayor Hack stated that it is his understanding that there will be an educational process that provides clarity as to who has the right to use the trails.

Mayor Pro Tem Conners suggested that signs should include "all users must obey traffic signals".

City Manager Keane noted that the City must use standardized signs if it wishes to enforce regulations, but these can include pictures for clarification.

Mayor Hack stated that he is confident that City Manager Keane understands the Council's direction.

Councilmember Rhodes suggested the matter be held and brought back in October.

Mayor Hack noted that Council can reflect on the issue, at a later date, however Council need to take action now.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Rhodes, and carried unanimously to:

- A. Approved **Resolution No. 11-20** permitting golf cart use on multimodal trails, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION
NOL. 11-08 AND DESIGNATING GOLF CART PATHS IN THE
PUBLIC RIGHT-OF-WAY

- B. Allocated \$4,000 in Coastal Area Road Improvements and Traffic Signal (CARITS) funding for signage and traffic signal modifications at the intersections of El Toro Road and St. Nicholas Church.

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Mayor Hack)

Mayor Hack reported that the Toll Roads Agency is investigating the process of implementing cashless tolling.

- 10.2 Orange County Library Board (Councilmember Robbins)
Mayor Robbins stated that there was no meeting this month.
- 10.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes stated that there was no meeting this month. He reported on events commemorating 9-1-1 at Station 22 and City Hall.
- 10.4 Southern California Water Committee (Mayor Hack)
Mayor Hack reported that there was no meeting this month.
- 10.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)
Councilmember Rhodes, alternate member, announced that Mayor Pro Tem Conners was appointed as Vice-Chair of the Coastal Greenbelt Authority. He discussed the potential pedestrian gateway to the Laguna Coast Wilderness Parks and the process that the County would follow to make a determination.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember reported that Laguna Woods' residents Dr. and Mrs. David Rabinov were one of three recent major donors to the Laguna Canyon Foundation.
- 10.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins discussed an article regarding the prevention of malaria and reminded residents to drain any standing water from potted plants to prevent mosquitoes from breeding.

XI. PUBLIC COMMENTS – None

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

- 12.1 Reports on Meetings Attended per Government Code §53232.3
 - A. Orange County League Division – August 18, 2011 (Ring, Robbins)

City Manager Keane, who attended by meeting with Councilmembers Ring and Robbins, reported that the Division discussed its new meeting format and the separation of the Division and the Association of Cities-California. Guest Speaker State Controller John Chiang discussed the state of California finances and why he took actions not to pay state legislatures during the budget process.
- 12.2 Other Meetings, Comments and Announcements

Mayor Hack stated that he and Councilmember Ring are representatives of separate committees of the Southern California Association of Government (SCAG) and discussed the role of SCAG.

Mayor Pro Tem Conners reported on a proposal to ban plastic bags by the City of Huntington Beach and urged residents to use fabric bags. She also announced that an interactive recycling exhibit, made available from grant funding provided by the County

and Waste Management Company, has opened at the Discovery Science Center.,

Mayor Hack reported on a meeting he and Councilmember Ring attended at the California League of Cities, where new Division officers were elected.

XIII. CLOSED SESSION

City Attorney Cosgrove announced that there was no need for a closed session.

XIV. ADJOURNMENT

The meeting was adjourned at 3:16 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, October 19, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: October 19, 2011

BERT HACK, Mayor