

AGENDA

PUBLIC SAFETY COMMITTEE

Regular Meeting
Tuesday, May 14, 2013
2 P.M.

Laguna Woods City Hall
Council Chambers
24264 El Toro Road
Laguna Woods, CA 92637

AGENDA DESCRIPTION: The agenda descriptions are intended to give notice, to members of the public, of a general summary of items of business to be transacted or discussed. Any person wishing to address the Public Safety Committee on any matter, whether or not it appears on this agenda, may do so under the appropriate section of the agenda. Whenever possible, lengthy testimony should be presented to the Committee in writing (12 copies) and only pertinent points presented orally. Requests to speak to items on the agenda shall be heard at the appropriate point on the agenda; requests to speak about subjects not on the agenda will be heard during the Public Comment section of the meeting.

I. CALL TO ORDER

II. ROLL CALL

III. COMMITTEE BUSINESS

A. Moulton Smart Street Project

Staff will provide an update on the Moulton Smart Street Project.

RECOMMENDED ACTION: Receive and file.

B. Aggressive Solicitation Regulations

Staff will provide information on potential aggressive solicitation regulations.

RECOMMENDED ACTION: Discuss and consider modifications and/or recommending adoption as submitted of an ordinance restricting aggressive solicitation, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING REGULATIONS
RESTRICTING AGGRESSIVE SOLICITATION

C. Overview of Local Ambulance Services

Staff and Doctor's Ambulance will provide information on local ambulance services and activities.

RECOMMENDED ACTION: Receive and file.

IV. STAFF AND SUBCOMMITTEE REPORTS

A. Public Safety Project Updates and General Information

RECOMMENDED ACTION: Receive and file.

V. COMMITTEE MEMBER COMMENTS

VI. PUBLIC COMMENTS

VII. ADJOURN

The next regular meeting of the Public Safety Committee will be at 2 p.m. on June 11, 2013, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Meetings may be cancelled due to a lack of agenda items.

AMERICANS WITH DISABILITIES ACT: In compliance with Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk at (949) 639-0500 (Voice) or, TDD (949) 639-0535 or the California Relay Service at (800) 735-2929 if you have a TDD or (800) 735-2922 if you do not have a TDD. Notification 48 hours prior to the meeting should enable the City to make reasonable arrangements to assure accessibility to the meeting.

I declare under penalty of perjury that I posted this notice of agenda at the locations designated by Resolution 02-33.

Date

5/10/13


Marc Donohue, Deputy City Clerk

PUBLIC SAFETY COMMITTEE
Meeting Recap

Regular Meeting
Tuesday, April 9, 2013
2 P.M.

Laguna Woods City Hall
Council Chambers
24264 El Toro Road
Laguna Woods, CA 92637

I. CALL TO ORDER

Chair Monin called the meeting to order at 2 p.m.

II. ROLL CALL

Present: Monin, Chodash, Horne, Ohrn, Rook, Verrall, Whitehead

Absent: Brauer, Mathews, Watkins

III. COMMITTEE BUSINESS

A. Overview of Local Fire Services and Activities

Orange County Fire Authority Division 5 Chief Bryan Brice provided information on local fire services and activities.

B. Red Light Photo Enforcement Program

Director of Public Safety Macon provided information on the City's red light photo enforcement program, including a proposed term extension and cost reduction.

The Committee unanimously voted to recommend that the City Council approve a memorandum of understanding with Redflex Traffic Systems, Inc. related to the existing automated red light photo enforcement systems agreement, which would extend the term of the agreement for 12 months from July 1, 2013 through June 30, 2014 and decrease the amount the City would otherwise owe Redflex by \$6,250 per month for 15 months

beginning on April 1, 2013 and ending on June 30, 2014. Additionally, members of the Committee also encouraged the City to evaluate the use of in-pavement crosswalk lighting, permanent speed signs, and permanent prepare to stop signs as a means of improving intersection visibility and reducing red light violations.

C. Police Services Deployment Optimization & Efficiency Study

Director of Public Safety Macon provided information on a recently completed study of the City's police services deployment, including findings and recommendations.

The Committee unanimously voted to recommend that the Orange County Sheriff's Department implement a new deployment schedule based on the recommendations contained in the Police Services Deployment Optimization & Efficiency Study.

IV. STAFF AND SUBCOMMITTEE REPORTS

A. Public Safety Project Updates and General Information

Director of Public Safety Macon provided information only updates on public safety projects and other general information.

V. COMMITTEE MEMBER COMMENTS

None

VI. PUBLIC COMMENTS

None

VII. ADJOURN

The next regular meeting of the Public Safety Committee will be at 2 p.m. on May 14, 2013, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Meetings may be cancelled due to a lack of agenda items.

City of Laguna Woods Agenda Report

FOR: May 9, 2013 Public Safety Committee Meeting

TO: Chair and Committee Members

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Aggressive Solicitation Regulations

Recommendation

Discuss and consider modifications and/or recommending adoption as submitted of an ordinance restricting aggressive solicitation, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING REGULATIONS RESTRICTING
AGGRESSIVE SOLICITATION

Background

Over the last two years, there has been an increase in the number of complaints from businesses and residents regarding panhandling and aggressive solicitors. Often residents say they feel threatened by individuals who follow them to their cars after they have declined to give money, and people blocking the entrance into businesses who are soliciting money and/or signatures on petitions. Currently, the City prohibits outdoor sales without a permit and soliciting for money in streets and on public medians. There are also regulations prohibiting placement of signs in landscaped areas and a requirements that walkways (private and public) maintain a four foot clear walking area. There are, however, no regulations prohibiting solicitation for money (panhandling) on other public or private property.

Discussion

At the Committee's March meeting, staff presented a variety of concept related to aggressive solicitation. Based on that discussion and his review of current case law, the

Item III-B

City Attorney crafted an ordinance that he believes is defensible. This proposed ordinance includes:

Prohibitions on solicitation at certain locations:

- Within 10 feet of any outdoor automatic teller machine and/or any device which accepts and dispenses cash.
- Within 10 feet of the entrance to any bank or banking institution.
- Within 10 feet of the entrance to any check cashing business.
- Within any enclosed parking structure.
- Within 10 feet of any public transit bus stop or shelter.
- In any public roadway or any public roadway median.

Prohibitions against aggressive solicitation in public locations, as defined, that:

- Are aggressive in manner – causing one to fear bodily harm or damage to property and/or intimidating one into giving money.
- Involve intentional touching or physical contact with a person or automobile without consent.
- Involve intentional blocking path of travel.
- Involve making violent or threatening gestures
- Involve persistent close following after donation is refused.
- Involve using profane or abusive language likely to provoke a violent reaction

The proposed ordinance does not include prohibitions at the following locations discussed by the Committee:

- Unenclosed parking lots during the day or after dark.
- In front of a restaurant or other business – current state law prohibits intentional blocking of an entrance or exit to any such business.

It should be noted that current state law requires liquor stores and grocery stores that sell alcohol to post “no loitering” signs in front of their entrances (CA Business and Professions Code 25612.5) upon a state-approved request by a local law enforcement agency. There is currently, no such signage in the City.

Conclusion

The proposed ordinance addresses the majority of the issues raised by both the Land Use and Public Safety Committees. The Land Use Committee may approve the ordinance as drafted or suggest modifications for City Council consideration.

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING REGULATIONS RESTRICTING
AGGRESSIVE SOLICITATION

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA
WOODS, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. **Adoption of New Regulations**

Chapter 7.22 is hereby added to Title 7 (Public Safety and Welfare) of the
Laguna Woods Municipal Code as follows:

CHAPTER 7.22 – AGGRESSIVE SOLICITATION

Sections:

- 7.22.010 Findings.
- 7.22.020 Definitions.
- 7.11.030 Aggressive solicitation prohibited.
- 7.22.040 Solicitation prohibited at specific locations.
- 7.22.050 Penalty.
- 7.22.060 Non-exclusivity.

Section 7.22.010 Findings. The City Council of the City of Laguna Woods finds as
follows:

A. An increase in aggressive solicitation throughout the City has become extremely
disturbing and disruptive to residents and businesses. Such aggressive solicitation has
contributed not only to the loss of access to and enjoyment of various public places, but also to
an enhanced sense of fear, intimidation, and disorder, and an erosion of perceptions of personal
comfort and safety.

B. The presence of individuals who solicit money from person at or near banks,
check cashing locations, and outdoor automated teller machines is particularly threatening and
dangerous. Persons frequenting such establishments are frequently exposed to passersby at an
area they either do, or are likely to have, ready cash in hand, can frequently not walk away
without leaving accounts accessible to strangers and/or leaving automatic teller cards in
machines, and are within an area where both their money and financial privacy are at stake. The
solicitation of people while using automatic teller machines or in the immediate vicinity of a
bank or check cashing location heightens feelings of duress and intimidation that can be felt by
those solicited.

C. Motorists who find themselves confronted by persons who, without permission,
wash automobile windows, or perform other “services” in exchange for cash, are often
intimidated, because such activity often occurs with stopped vehicles, where the personal

movement of the driver and passengers is restricted, and such activity often carries with it an implicit threat to both person and property.

D. Aggressive solicitation, which includes approaching or following pedestrians, use of confrontational or abusive language, unsolicited or unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic, is disturbing and disruptive to both residents and businesses, and contributes not only to the loss of access and enjoyment of public places, but also to an enhanced sense of fear, intimidation, and disorder.

E. The increase of solicitation at locations where the recipient of such solicitation is part of a captive audience, from which it is impossible or difficult to exercise their right to decline to listen to, or avoid solicitation from others, intimidates persons who are approached, interferes with privacy and a personal sense of security, impedes vehicular and pedestrian traffic flow, and negatively impacts businesses within the City. Such places include bus shelters, or stops where parties must wait to access public transit, and enclosed parking structures where lighting, public visibility, and movement may be restricted.

F. Aggressive solicitation of potential customers as they enter and exit commercial establishments, has become increasingly disturbing to residents and businesses, and has generated an enhanced sense of fear, intimidation, and disorder, and has caused many residents or other potential customers to avoid shopping or dining within the City, which presents a threat to the economic vitality of the City.

G. Face-to-face solicitation presents risks of duress that are an appropriate target for regulation. Skillful or unprincipled solicitors can target vulnerable persons, including those accompanying children or those suffering physical impairment, who cannot easily avoid solicitation. Unsavory solicitors can commit fraud through concealment of affiliations or through deliberate efforts to shortchange those who may agree to immediately purchase goods or services.

H. The current laws and city ordinances are insufficient to address the above-mentioned problems. The restrictions contained herein are directed at the act, and in certain limited circumstances the location, of solicitation, and have no bearing whatsoever on the content of the solicitation nor the intended application of the funds or other benefits solicited. This chapter is not intended to limit any persons from the exercise of constitutional rights to solicit funds, picket, protest, or engage in other constitutionally protected activity. Rather, its goal is to provide reasonable time, place, and manner restrictions on such activity, directed toward the immediate exchange of funds or items of value, while leaving open ample alternative avenues of communication.

Section 7.22.020 Definitions.

A. "Solicit, ask, or beg" shall mean using spoken, written, or printed words, or bodily gestures, signs or other means, with the purpose of obtaining an immediate donation of money or other thing of value, or soliciting the immediate sale of goods or services, including but not limited to sales of books, newspapers, tracts, artwork, or the performance of actions such as the washing of automobile windows.

B. "Public place" shall mean a place to which the public or a substantial group of the public has access, and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, doorway, entrance, hallway, lobby, or other portion of any business establishment, multifamily housing development or hotel, not including a room or apartment designated for actual residents.

C. "Aggressive manner" shall mean any of the following:

1. Approaching, confronting, speaking to, or following a person immediately before, during, or immediately after soliciting, asking, or begging, if that conduct is intended or is likely to cause a reasonable person to:

(a) Fear bodily harm to one's self or to another, or damage to or loss of property; or

(b) Otherwise be intimidated into giving money or some other thing of value.

2. Intentionally touching or causing physical contact with another person without that person's consent, or with an occupied vehicle without the occupant's consent, in the course of soliciting, asking, or begging.

3. Intentionally blocking or interfering with the safe or free passage of pedestrian or vehicular travel by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid contact.

4. Making violent or threatening gestures as part of the process of soliciting, asking, or begging, toward a person solicited, either immediately before, during, or immediately after soliciting, asking, or begging.

5. Persisting in closely following or approaching a person as part of the process of soliciting, asking, or begging, after the person has been solicited and informed by the solicitor by clear words or conduct that such person does not want to be solicited, and does not want to give money or any other thing of value to the solicitor.

6. Using profane, offensive, or abusive language as part of the process of soliciting, asking, or begging, either immediately before, during, or immediately after soliciting, asking, or begging, which language is inherently likely to provoke an immediate violent reaction.

Section 7.22.030. Aggressive solicitation prohibited. No person shall solicit, ask, or beg in an aggressive manner in any public place.

Section 7.22.040 Solicitation prohibited at specific locations.

No person shall solicit, ask, or beg at any of the following locations:

(A) Within 10 feet of any outdoor automatic teller machine or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(B) Within 10 feet of the entrance of any bank, banking association, savings and loan, trust company, savings bank, credit union, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the federal deposit insurance incorporation, during the operating business hours of any such financial institution.

(C) Within 10 feet of the entrance of any check cashing or payday loan business, or other business duly licensed as a check seller, bill payer or similar establishment, during the operating business hours of any such business.

(D) Within any enclosed parking structure.

(E) Within 10 feet of any bus stop, bus shelter, or other designated area for the collection or dropping off of passengers of public transit vehicles, during such times as the transportation service for which the location is designated is operating.

(F) Within the designated travel lanes of any public roadway or bicycle lane or a public roadway median.

Section 7.22.050. Penalty. Violation of this Article is punishable as an infraction.

Section 7.22.060. Non-exclusivity Nothing in this chapter shall limit or preclude the enforcement of other applicable laws.