

AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting
June 20, 2012
2:00 P.M.**

**Council Chambers
Laguna Woods City Hall
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. The listed Recommended Action represents staff or a particular Committee's recommendation. The City Council may take any action, which it deems to be appropriate on the agenda item and is not limited in any way by the recommended action. Any person wishing to address the City Council on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. Whenever possible, lengthy testimony should be presented to the City Council in writing (8 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. FLAG SALUTE

III. ROLL CALL

COUNCILMEMBERS: Hack Rhodes Robbins
 Ring, Mayor Pro Tem Conners, Mayor

IV. PRESENTATIONS

None

V. CITY COMMENDATIONS AND PROCLAMATIONS

None

VI. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

6.1 City Council Minutes

RECOMMENDED ACTION: Approve the minutes from the May 2, 2012 adjourned meeting and May 16, 2012 regular meeting.

6.2 Approve 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.

RECOMMENDED ACTION: Waive reading of ordinances and resolutions.

6.3 Treasurer's Report

RECOMMENDED ACTION: Receive and File the May 2012 monthly Treasurer's Report.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the June 20, 2012 Warrant Register in the amount of \$463,775.82.

6.5 Ban on Polystyrene Foam Food Service Ware

RECOMMENDED ACTION: Adopt an ordinance establishing a ban on the use of polystyrene food services ware, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, PROHIBITING THE USE OF EXPANDED AND EXTRUDED POLYSTYRENE DISPOSABLE FOOD SERVICE WARE

6.6 November 2012 Municipal Elections

RECOMMENDED ACTION: Adopt two resolutions calling for the November 2012 municipal election, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

AND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

VII. PUBLIC HEARINGS

None

VIII. CITY COUNCIL

None

IX. CITY MANAGER

9.1 Fiscal Year 2012-13 City Manager's Proposed All Funds Budget

RECOMMENDED ACTION: Discuss and provide direction to staff.

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)

10.2 Orange County Library Board (Councilmember Robbins)

10.3 Orange County Fire Authority (Councilmember Rhodes)

10.4 Southern California Water Committee (Councilmember Hack)

10.5 Coastal Greenbelt Authority (Mayor Conners)

10.6 Laguna Canyon Foundation (Councilmember Rhodes)

10.7 Vector Control District Board (Councilmember Robbins)

XI. PUBLIC COMMENTS

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

State law requires Councilmembers to provide a report on all meetings or events they attend for which the City pays fees, travel or other expenses. These are informational reports and no action is taken on the item.

- A. Orange County Water Summit May 18, 2012 – Councilmember Hack
- B. Water Advisory Committee of Orange County June 1, 2012 – Councilmember Hack

12.2 Other Meetings, Comments and Announcements

XIII. CLOSED SESSION

13.1 The City Council will meet 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 Pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Location: Along the east and west sides of Moulton Parkway in the vicinity of Santa Maria Avenue.

City Negotiator: Leslie A. Keane

Negotiating Party: Golden Rain Foundation

Under Negotiation: Instructions to negotiator regarding terms

XIV: ADJOURNMENT


The meeting will be adjourned to 2:00 p.m. on Wednesday, June 27, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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.

AGENDA: The City Council agenda and agenda back-up materials are available from the Office of the City Clerk, after 4:30 p.m., on the Friday prior to the City Council meeting. The office of the City Clerk is located at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Copies of the agenda are provided at no cost. Agenda back-up materials are available at City Hall for inspection and copies are available at no charge prior to the meeting. A per page copy cost does apply after the meeting. If you wish to be added to the e-mail or regular mail list to receive a copy of the agenda, a request must be made to the City Clerk in writing. Copies of the agenda are mailed only if stamped, self-addressed envelopes are provided. The City of Laguna Woods mailing address is 24264 El Toro Road, Laguna Woods, CA 92637. Phone: (949) 639-0500, FAX (949) 639-0591.

6.1-6.6
CONSENT CALENDAR SUMMARY

City of Laguna Woods Agenda Report

FOR: June 20, 2012 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager 
Agenda Item: Consent Calendar

Recommendation:

Approve all proposed actions on the June 20, 2012 Consent Calendar by single motion and Council action.

Discussion:

In general, the Consent Calendar contains routine matters or matters that have already been discussed by Council. It is adopted in total with a single motion and Council action. However, if any councilmember or member of the public has questions or wishes to discuss an item further, it may be removed from the Consent Calendar and placed later in the agenda for discussion and action. The way to remove an item from the Consent Calendar is to request its removal, by agenda item number, immediately prior to the adoption of the Consent Calendar. Members of the public may fill out a request to speak on the item they wish removed and the City Clerk will note the item. No reason need be given with the request. Items pulled from the Consent Calendar are not discussed at the time they are pulled; they are scheduled for discussion immediately after action on the balance of the Consent Calendar.

The June 20th Consent Calendar contains the following six items:

- 6.1 Approval of the minutes from the May 2, 2012 adjourned regular City Council meeting and the May 16, 2012 regular City Council meeting, as submitted.

ITEMS 6.1 – 6.6

- 6.2 Approval of a motion to allow reading proposed ordinances and resolutions by title only – this is a standard practice in cities. If this motion is not approved, all ordinances and resolutions must be read out loud in their entirety during the Council Meeting.
- 6.3 Approval of a motion to receive and file the May 2012 monthly Treasurer's Report. This report identifies the City's current liquid assets and their location. At the end of May, the City had approximately \$ 8.1 million in cash on hand and in other liquid assets.
- 6.4 Approval of the June 20, 2012 Warrant Register, as submitted, in the total amount of \$463,775.82. A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Finance Manager's office.
- 6.5 Adoption of an ordinance modifying that would ban the use of polystyrene foam service ware in food facilities within the city limits. The new regulations would not be effective until July 1, 2013. The City Council introduced and approved first reading of the ordinance at its May 16, 2012 meeting following a public hearing.
- 6.6 Approval of two resolutions related to the November 6, 2012 municipal election. The first resolution "calls" the election and the second authorizes the City's participation in the countywide consolidated election and requests election services from the County. Once the resolutions are approved, the City Clerk will publish a notice calling for the election and provide the County with a certified copy of the resolution requesting election services.

If you have questions about any of the above items, feel free to call me prior to the meeting so that I may provide additional information.

6.1
MINUTES

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
May 2, 2012
2:00 P.M.**

I. CALL TO ORDER

Mayor Conners called the Adjourned 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.

III. ROLL CALL

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

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

IV. CITY COMMENDATIONS AND PROCLAMATIONS

4.1 Proclamation – National Preservation Month, May 2012

Mayor Conners presented the Proclamation to Historical Society Member Bebe Shaddock and acknowledged the Society's efforts in preserving the history of the community.

V. CITY MANAGER

5.1 Fiscal Year 2012-13 Annual Budget

City Manager Keane reviewed the Fiscal Year 2011-12 revenue and expenditure budgets and accomplishments. She then discussed projected FY 2012-13 General Fund revenues and the base budget proposal. She noted that continuation of all existing General Fund programs at current service levels would result in \$127,729 in revenues over expenditures. The base budget includes a \$20,000 increase in community organizations grants, as requested by Council last year. The base budget also includes continuation of the redlight camera program with a projected \$62,000 deficit. This amount would increase by an additional \$100,000 if grant funding is discontinued. Finally, she identified the balance in the City Hall improvements funds and some suggested expenditures for this fund and the General Fund revenue surplus.

Councilmember Hack asked about the proposed City Hall generator.

ITEM 6.1

Public Safety Director Macon reported that the existing generator is sufficient to power City Hall for three hours and that it is powered by gasoline; however, it is not conducive because it requires significant down time between refueling to avoid overheating. The proposed new generator would power City Hall for up to three days without refueling.

Councilmember Rhodes asked if the fuel tank would be located on the roof of City Hall.

Public Safety Director Macon stated that the location of the generator would be in the parking lot adjacent to City Hall.

Mayor Pro Tem Ring suggested looking into a gas turbine generator.

Public Safety Director Macon noted that staff can explore different types of generators; however, diesel generators are generally the most cost-effective.

Councilmember Hack stated that diesel generators are an advantage because their parts are typically readily available and that they are considered non-volatile.

Councilmember Robbins stated that City Hall serves as the center of the City's Emergency Operations Center and that it is important that the City has a functioning generator.

City Manager Keane acknowledged that it is the consensus of the City Council to move forward with a new generator.

Councilmember Rhodes reported that he has heard comments from residents that the John Wayne Airport (JWA) vouchers are hardly worth the savings. He suggested that the cost should be reduced to \$24 or the program discontinued.

City Manager Keane noted that there is also an on-going problem with qualified residents purchasing the voucher and giving them to unqualified family members and friends.

Councilmember Rhodes suggested eliminating the JWA vouchers.

Councilmember Hack asked if it would not be a benefit to the taxi driver to monitor the abuse of the vouchers who would otherwise not be compensated for the taxi fare.

City Manager Keane noted that it is not actually a benefit to drivers to refuse to take vouchers from unqualified individuals because then they are not paid.

Councilmember Hack acknowledged that it would not be fair to expect the drivers to monitor the use of the City's program.

City Manager Keane explained that the goal of the program is to remove cars from the road and provide transportation to those in need of critical assistance; and the JWA program does not meet those needs.

Mayor Connors asked if residents can still use their current vouchers after expiration.

ITEM 6.1

City Manager Keane affirmed that the current vouchers are good until June 30, 2012; but, they cannot be used after that date and they are not refundable.

City Manager Keane acknowledged the Council's consensus direction to eliminate the John Wayne airport taxi voucher program.

Councilmember Rhodes proposed eliminating the red light camera program and the traffic deputy position.

City Manager Keane clarified that the traffic deputy also provides traffic enforcement and patrols the City. She suggested that the Council could eliminate the traffic deputy position and allocate \$100,000 to \$200,000 – depending on continuation of the Supplemental Law Enforcement grant program – to directed traffic enforcement if the redlight camera program is eliminated. Directed enforcement would provide law enforcement staffing on an as needed basis.

Councilmember Robbins asked if the City has any accident related statistics prior to the red light camera program.

City Manager Keane stated that staff presented the most recent statistics at the Council's December meeting.

Councilman Robbins expressed his concern about the loss of traffic enforcement at the Gate 12/Moulton intersection if the redlight camera program is eliminated.

City Manager Keane suggested that staff could monitor traffic patterns at Gate 12 and provide directed enforcement to monitor the area during peak hours.

Councilmember Rhodes stated that visibility of the signal is a problem.

Councilmember Hack stated that the curvature of the road has always been an issue even prior to the City's incorporation. The City has installed flashing warning lights and the Moulton smart street project should help improve the visibility.

Councilmember Rhodes suggested that the City install additional flashing lights along the side of the street, in addition to the existing one in the center median.

Mayor Connors asked for legal counsel's remarks to the City's exposure once the red light camera program is removed.

City Attorney Cosgrove stated that there is no case law that says the absence of a red light camera pose a dangerous condition.

City Manager Keane noted that several cities have recently eliminated red light camera programs.

Mayor Connors stated that it is the consensus of the City Council that staff eliminates the redlight camera program from the FY 2012-13 Budget.

ITEM 6.1

City Manager Keane asked if Council is supportive to increase the \$100,000 to \$200,000 to be deposited into the directed enforcement account.

Councilmember Hack noted that he is supportive of that proposal.

City Manager Keane discussed the possible add-on items for the budget. She noted that the monies for City Hall's electricity and water connections, trash enclosure, and the downstairs carpeting could come from the City Hall Improvement Fund.

Councilmember Hack asked for clarification regarding the total dollar amount for the projects and what is available.

City Manager Keane clarified that approximately \$352,000 is available from City Hall acquisition funds and that the three projects would total \$248,855.

Councilmember Rhodes stated that \$180,000 seems excessive for a trash enclosure and asked if City Hall generated that much trash. He asked if staff could look into prefabricated buildings that typically run \$40,000 and to see if it's allowed in the City.

Public Safety Director Macon noted that the trash enclosure will house the generator and includes the costs for the generator pad and hook-ups.

Councilmember Rhodes asked for clarification if the cost of the generator for \$75,000 was in addition to the trash enclosure.

Public Safety Director Macon clarified that \$75,000 is the cost of the generator itself.

City Manager Keane acknowledged that the Council had reached consensus on the City Hall projects.

Councilmember Hack asked what the cost would be for the additional part-time accountant position.

City Manager Keane stated that staff estimates \$23,800.

City Manager Keane acknowledged that the Council had reached consensus to add the part-time accountant position.

City Manager Keane concluded her budget presentation and noted that the next budget discussion will include the transportation and special funds budgets. She asked Council if there were any issues Council would like to add that were not covered in the presentation.

Councilmember Rhodes noted that Council has been conservative with its budget and suggested that Council could choose to add something at a later date if warranted.

Councilmember Hack asked if the Laguna Woods Goods Exchange will be brought back.

City Manager Keane affirmed that a second event for the year has been included in the base budget, per Council's request last year.

Mayor Connors suggested that staff contact the assisted living facilities, in advance, of the event so that they may prepare to participate in the City's hazardous medicine program.

Councilmember Hack asked if San Sebastian was informed of the event.

City Manager Keane affirmed that all residential facilities were informed of the event and that residents in other cities also became aware of the event since it was published on several external Earth Day websites.

Councilmember Rhodes asked if the City paid for the paper shredding services provided.

City Manager Keane stated that Green Monster Shredding provided the services at no cost to the City; however, there is no guarantee there won't be a charge for the next event.

VI. PUBLIC COMMENTS – None

VII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

Mayor Pro Tem Ring announced that it is Councilmember Hack's birthday.

VIII. CLOSED SESSION

8.1 The City Council will meet in closed session to confer with legal counsel regarding two matters of potential litigation pursuant to the provisions of Government Code Section 54956.9(c).

Council reconvened in open session at 3:47 p.m. City Attorney Cosgrove advised that there was no reportable action.

IX. ADJOURNMENT

The meeting was adjourned at 3:47 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday May 16, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: June 20, 2012

CYNTHIA S. CONNERS, Mayor

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
May 16, 2012
2:00 P.M.**

I. CALL TO ORDER

Mayor Connors 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.

III. ROLL CALL

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

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

IV. PRESENTATIONS – None

V. CITY COMMENDATIONS AND PROCLAMATIONS

Moved by Mayor Pro Tem Ring, seconded by Councilmember Robbins, and carried unanimously to approve City Commendations and Proclamations:

5.1 Proclamation – National Military Appreciation Month, May 2012

Mayor Connors presented the proclamation to Warren Marr, Commander of American Legion Post 257.

5.2 Proclamation – Water Awareness Month, May 2012

Mayor Connors presented the proclamation to Ted Martin, El Toro Water District (ETWD) Board President. Mr. Martin thanked the Council and discussed planning for the District’s tertiary treatment plant. He noted that although the Orange County Grand Jury’s report proposed to do away with special districts; ETWD received its third certificate of distinction.

VI. CONSENT CALENDAR

Moved by Councilmember Robbins, seconded by Mayor Pro Tem Ring, and carried unanimously to approve Consent Calendar Items 6.1 – 6.7.

6.1 City Council Minutes

Approved the minutes from the April 18, 2012 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 April 2012 monthly and Third Quarter (January-March 2012) Fiscal Year 2011-12 Quarterly Treasurer's Reports.

6.4 Warrant Register

Approved the May 16, 2012 Warrant Register in the amount of \$540,323.97.

6.5 2011 Annual General Plan Progress Report

Approved submittal of the 2011 General Plan Annual Update to appropriate agencies.

6.6 Taxi Voucher Program

Authorized the continuation of the following taxi voucher programs at current rates, for the period of July 2, 1012 – June 30, 2013:

- Taxi Bucks
- Non Emergency Medical
- Train Station/Irvine Spectrum

6.7 City Hall Accessibility Improvements

Rejected all bids and direct staff to re-scope and rebid the project.

VII. PUBLIC HEARING

7.1 Ban on Polystyrene Foam Food Service Ware

City Manager Keane summarized the agenda report and noted that staff has prepared two ordinances. The first ordinance includes traditional food facilities such as restaurants, delicatessens and food vendors. The second ordinance expands the definition of food facilities to include community centers, clubhouses, houses of worship and other buildings used by members of the public. The City's Community Services Committee is recommending the more inclusive proposal. New regulations would be effective July 1, 2013 and the city manager could approve short term hardship exceptions.

Mayor Connors asked if staff knows the number of facilities that are already in

compliance with the new regulations.

City Manager Keane stated that staff initially thought that the majority of the City's food facilities were not using polystyrene foam food ware, but has discovered that some of these facilities are still using foam cups.

Mayor Pro Tem Ring asked for clarification on the fines.

City Manager Keane noted that fines are from \$100 to \$500 per day, per the City's Municipal Code. Violators receive a warning and opportunity to correct prior to the issuance of a citation.

Councilmember Rhodes stated that he sees no reason why the City would not reach full compliance, given that the proposed ordinance allows for many exceptions. He is in favor of passing the more inclusive ordinance as proposed by the Community Services Committee.

Mayor Connors asked if any restaurant associations have taken any position on the issue.

City Manager noted that there have been both opposition and support from the restaurant industry. Vons and Stater Brothers grocery stores began using alternative products several years ago. She explained that when the City passed its first polystyrene ordinance, which banned use at city facilities and city co-sponsored events, several trade organizations protested as did Age Well Senior Services.

Mayor Pro Tem Ring asked how staff proposes to enforce the ban.

City Manager Keane replied that typically staff will visit facilities that are open to the general public once per year. Other events would have to be on a complaint basis.

Mayor Pro Tem Ring described a scenario where a volunteer might bring food in a polystyrene container to a club event. He feels, in his opinion that it could be difficult to enforce the rules and complaints could be raised that some organizations are being fined while others are not.

City Manager Keane acknowledged that the Village does have this problem and that the City would make the clubs aware of the regulations and provide warning notices. Only repeated violations would be subject to fines. She also noted that a club, which has limited resources, could apply for a hardship exemption.

Councilmember Rhodes asked if the exemption apply to caterers as well.

City Manager Keane noted that caterers are not exempt unless they are doing work in private homes.

The public hearing was opened.

Mr. Vince Neale, Ayres Hotel General Manager, asked the reason for the ban.

Mayor Connors discussed the reason for the ban which includes its harmful effects to the environment and the cost to recycle polystyrene, which exceed the cost benefit of the product.

Mr. Neale stated that the hotel offers both chinaware and Styrofoam cups to their customers, and that the paper cups would be more costly.

City Manager Keane proposed that staff could provide a list of alternative products which are cost-effective to vendors within the City in the next six months.

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

Mayor Pro Tem Ring asked if it is possible to wait until staff can provide competitive pricing which should be within 10% of their existing product.

City Manager Keane noted that staff does not currently have a list, and that it could take up to six months to create one.

Councilmember Hack stated that since the ordinance does not go in to effect for a year, there is ample warning and opportunity for food facilities to obtain alternative products. He understands the concerns of those affected; however, believes that ocean pollution is significant and oil-based materials are a part of the problem. He is supportive of the ordinance.

Councilmember Rhodes reiterated that the effective date of July 1, 2013 serve as plenty of notice to comply.

Mayor Pro Tem Ring asked how the product gets into the ocean from this community.

Councilmember Hack stated that it travels through creeks that drain into the ocean.

City Manager Keane explained that polystyrene foam breaks down into small pieces which in turn are blown or picked up by birds and fall near storm drain catch basins and creeks.

Mayor Connors stated that she has volunteered to pick up trash along roadways and numerous time she has come across little pieces of polystyrene that have been broken down as Ms. Keane described.

City Manager Keane noted that polystyrene foam adds to the amount of waste in the County landfills, since it does not disintegrate easily.

Moved by Councilmember Rhodes, seconded by Councilmember Robbins, and carried unanimously to approve **Resolution No. 12-05** adopting a negative declaration, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE

DECLARATION 12-01 FOR AN AMENDMENT TO THE LAGUNA
WOODS MUNICIPAL CODE, BANNING POLYSTYRENE FOAM
FOOD SERVICE WARE

AND

Approve introduction and first reading of an ordinance establishing a ban on the use of polystyrene food services ware, including community centers, clubhouses, houses of worship and other buildings used by members of the public, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, PROHIBITING THE USE OF EXPANDED AND
EXTRUDED POLYSTYRENE DISPOSABLE FOOD SERVICE WARE

VIII. CITY COUNCIL

8.1 Proposition 29: California Cancer Research Act (agendized by Mayor Connors)

Mayor Connors stated that in the past, the Council has supported state and federal measures that relate to the health and well being of residents. She would like the Council to consider taking a position of support on Proposition 29, which is on the June 5, 2012 ballot.

Councilmember Hack stated that while he is likely to vote for this initiative, he is not in favor of having the City take positions on issue that are not under the jurisdiction of the City. He believes this is an individual issue, not a city issue. He also noted his belief there is a critical need to reform the initiative process; initiatives are often overstated and become ongoing burdens for cities and the state.

Councilmember Rhodes expressed his belief that initiative positions should sunset or be re-adopted after a period of time. He expressed concern that money raised would be spent out of state and asked why the proposition proposed to transfer money to certain organizations. He asked City Attorney Cosgrove if he had any comments on the proposition.

City Attorney Cosgrove stated that he has read through the initiative but did not have any comments at this time.

Mayor Pro Tem Ring noted that the transfer of funds from Prop 29 into the general fund is to off-set the loss of revenue from decreased sales that is pledged to certain programs.

City Manager Keane concurred with Mayor Pro Tem Ring. She further explained that Proposition 29 provides a commitment to certain education and research.

Councilmember Hack reiterated that he is in favor of the ballot initiative, but that he is not in favor of having the City take action on it.

Councilmember Rhodes disagreed and stated that he believes the City should support

issues that have an impact on the community, such as the San Onofre Nuclear Generating Station (SONGS). He believes that three cities have gone on record opposing SONGS.

Mayor Hack stated that there is only one city that has taken a stance on SONGS.

Mayor Connors reminded Council that the topic of discussion is Proposition 29 and that whether or not the Council should take a position on other issues.

Mayor Pro Tem Ring applauded Mayor Connors for bringing this matter for discussion. He concurred with Councilmember Hack, stating that he thinks the Council should be willing to inform residents about such issues, but not tell them how to vote.

Mayor Connors stated that she placed the matter on the agenda for the purpose of educating the public.

There was no motion for action on the matter.

IX. COMMITTEE REPORTS

- 9.1 Transportation Corridor Agencies (Mayor Hack)
Councilmember Hack reported that cash-free toll roads are expected by 2014 – there will no longer be booths and instead, fees will be collected by way of license plates, transponders and other means.
- 9.2 Orange County Library Board (Councilmember Robbins)
Councilmember Robbins reported that a full board meeting is schedule for May 31st and that the Board will make budget recommendations at that meeting. The Library staff has done a good job of balancing the budget with \$460,000 less in revenue for the current year due to decrease in grants and developer fees. The Laguna Woods Library will continue with the same service level. Laguna Woods is considered a doner City – more property taxes are received than the cost of services provided.
- 9.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes reported that the Santa Ana merger is proceeding on schedule and the Board is considering electronic voting.
- 9.4 Southern California Water Committee (Mayor Hack)
Councilmember Hack reported that the Committee recommended delaying the proposed ballot initiative until the 2014 election, due to the current economic state.
- 9.5 Coastal Greenbelt Authority (Mayor Pro Tem Connors)
Mayor Connors stated that there was no meeting.
- 9.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes reported that the Board met and outlined future goals and that Emeritus Advisory Council held their first meeting on April 19th. He also discussed issues related to the planned Wildlife Corridor and unsuccessful negotiations to acquire property owned by the Federal Bureau of Investigation. He encouraged the public to visit

the Foundation's website at www.lagunacanyon.org/activities to see the list of activities being offered.

9.7 Vector Control District Board (Councilmember Robbins)

Councilmember Robbins stated that there were no new reports of the West Nile Virus (WNV) nor were there any reports of dead birds in the neighboring cities of Lake Forest and Laguna Hills. He notes that the Grand Jury reported that too many special districts are costing tax payers too much money and that most could be eliminated. The Vector Control and Cemetery Districts were exceptions. The Grand Jury reported that Vector is operating satisfactorily, but recommended an independent audit every three years with the reports available to tax payers.

Councilmember Hack announced that the Grand Jury recommended that the El Toro Water District (ETWD) be dissolved; however, ETWD has a long history with the City and he commends them for their support of the City's incorporation. He feels that ETWD should be preserved. Councilmember Hack stated that it appears the Vector District receives far more money than it needs, which it used to purchase a shopping mall.

Mayor Conners reminded residents that the summer months are approaching, which is the season for mosquitoes. She reminded residents to empty potted plants of standing water, which can serve as a breeding ground for mosquitoes.

Councilmember Rhodes noted that although improvements in the oversight of special districts are warranted, he does not agree with the Grand Jury Report.

X. PUBLIC COMMENTS

Jim Shaffer, resident, announced that the Kiwanis Club will host the 42nd annual pancake breakfast on Saturday, May 19th starting at 7:30 a.m. at Village Club House 1. The cost is \$5 per person and the proceeds provide scholarships to high school and junior college students.

XI. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code SS53232.3

A. League of California Cities/Orange County Quarterly Meeting, April 19, 2012

Mayor Pro Tem Ring reported that a legislative analyst was a guest speaker who provided a dismal analysis of California's current and future tax situation.

Councilmember Hack stated that the guest speaker provided great insight and was worthwhile.

B. OC Sheriff's Medal of Honor Luncheon, April 26, 2012

Councilmember Rhodes reported that awards were made in five categories and a plaque for Courage and Medal of Valor was awarded to Deputy Marcus Perez of the Tustin Police Department. A video of the event produced by OCSD will be played on Channel 31 as time allows.

C. Water Advisory Committee of Orange County May 4, 2012
Councilmember Hack reported on a fee study of water providers; he noted that El Toro Water District (ETWD) reported with low fees in spite of their low tax base.

C. City Selection Committee, May 10, 2012
Mayor Conners reported that she attended the meeting with Mayor Pro Tem Ring, and that the Committee made appointments to regional committees and boards. She announced that the Citizen Advisory Council had vacancies from the 5th District and interested Laguna Woods residents should contact City Hall.

12.2 Other Meetings, Comments and Announcements

None

XII. CLOSED SESSION

12.1 The City Council met in closed session to confer with legal counsel regarding two matters of potential litigation, pursuant to the provisions of Government Code Section 54956.9(c).

12.2 Pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Location:	Along the east and west sides of Moulton Parkway in the vicinity of Santa Maria Avenue.
City Negotiator:	Leslie A. Keane
Negotiating Party:	Golden Rain Foundation
Under Negotiation:	Instructions to negotiator regarding terms

The City Council reconvened in open session at 3:54 p.m. City Attorney Cosgrove advised that there was no reportable action.

XIII. ADJOURNMENT

The meeting was adjourned at 3:55 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Wednesday June 6, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: June 20, 2012

CYNTHIA S. CONNERS, Mayor

6.2
WAIVE READING OF ORDINANCES AND
RESOLUTIONS
(No Report)

6.3
TREASURER'S REPORT

City of Laguna Woods
Monthly Treasurer's Report
May 31, 2012

CASH ON HAND1. Investments/General Fund

Local Agency Investment Fund	\$	7,740,462
		7,740,462
Subtotal	\$	7,740,462

2. Investments/Transportation Fund

Local Agency Investment Fund	\$	65,000
		65,000
Subtotal	\$	65,000

3. Other Interest & Non-Interest Bearing/General & Transportation

Petty Cash Funds	\$	288
Analyzed Checking Account	\$	315,097
		315,385
Subtotal	\$	315,385
TOTAL	\$	8,120,847

Note: LAIF reports interest earnings quarterly.

6.4
WARRANT REGISTER

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 June 20, 2012

Check Number	Check Date	Vendor Name	Check Description	Amount
PREPAID WARRANTS:				
<i>Automatic Bank Debits</i>				
Debit	05/10/2012	ADP PAYROLL SERVICES	Pay period ended 5/04/12	30,472.06
Debit	05/10/2012	ICMA RETIREMENT CORPORATION	Pay period ended 5/04/12	1,594.03
Debit	05/10/2012	ADP PAYROLL SERVICES	Processing Charges/Payroll 5/04/12	119.05
Debit	05/24/2012	ADP PAYROLL SERVICES	Pay period ended 5/18/12	30,435.53
Debit	05/24/2012	ICMA RETIREMENT CORPORATION	Pay period ended 5/18/12	1,594.03
Debit	05/24/2012	ADP PAYROLL SERVICES	Processing Charges/Payroll 5/18/12	119.05
Debit	05/25/2012	AFLAC	Flexible Spending Account (FSA) Reimbursement	456.25
Other				
111838	05/16/2012	DENNIS D. NELSON, PE	Professional Services/March 2012	130.00
111839	05/16/2012	FOLEY, PATRICK	Mileage Reimbursement/May 2012	67.82
111840	05/16/2012	KONE INC.	Elevator Maintenance/May 2012	227.37
111841	05/16/2012	LYNN CAPOUYA	Consulting Services/Ridge Route/April 2012	562.56
111842	05/16/2012	MAW 'N PAW KETTLECORN	Supplies/Community Event/May 20, 2012	60.00
111843	05/16/2012	NIEVES LANDSCAPE, INC.	Irrigation Repair	521.00
111844	05/16/2012	REILLY, DOUGLAS C.	Mileage Reimbursement/March-May 2012	335.51
111845	05/16/2012	RHA LANDSCAPE ARCHITECTS	City Hall/Irrigation	12.49
111846	05/16/2012	SOUTHERN CALIFORNIA EDISON	Safety Light over Traffic Signals/April 2012	361.42
111847	05/16/2012	TOP DRAWER DESIGN	Replacement Arms for Desk Chair	30.17
111848	05/22/2012	TERESE S. OLIVER	Attorney Services/Redlight Camera/March-April 2012	9,135.00
111849	05/23/2012	AFLAC	Employee Benefit Program/June 2012	310.80
111850	05/23/2012	AT&T	Telephone/581-3974/April 2012	83.71
111851	05/23/2012	AT&T	Telephone/583-1105/April 2012	15.71
111852	05/23/2012	BONANZA STEAM CLEANING	Street Maintenance	4,308.00

CITY OF LAGUNA WOODS
WARRANT REGISTER
June 20, 2012

Check Number	Check Date	Vendor Name	Check Description	Amount
111853	05/23/2012	CAA	Water Quality Consulting/April 2012	1,016.50
111854	05/23/2012	CALIFORNIA YELLOW CAB	NEMT/April 2012	5,463.00
111855	05/23/2012	CALPERS - RETIREMENT	Retirement Contributions/Period Ending 05/04/2012	4,694.01
111856	05/23/2012	CAPTIONING UNLIMITED	Closed Captioning/Council Meeting/May 2012	200.00
111857	05/23/2012	CENTRAL COAST SURFACE GRINDING	Right of Way Maintenance	8,332.16
111858	05/23/2012	CIVIL SOURCE	Building Inspection/April 2012	5,200.00
111859	05/23/2012	CURB TECH	Waste Diversion Deposit Refund/BP 31371C	810.00
111860	05/23/2012	DEPARTMENT OF INDUSTRIAL	Annual Elevator Inspection	225.00
111861	05/23/2012	EL TORO WATER DISTRICT	Ridge Route Linear Park/May 2012	403.84
111862	05/23/2012	EL TORO WATER DISTRICT	Dog Park Irrigation/May 2012	25.55
111863	05/23/2012	EL TORO WATER DISTRICT	City Hall Utilities/April 2012	28.00
111864	05/23/2012	EL TORO WATER DISTRICT	City Hall Utilities/April 2012	101.24
111865	05/23/2012	ELEVEN WESTERN BUILDERS	Waste Diversion Deposit Refund/BP 29156F	2,400.00
111866	05/23/2012	FLEX ONE	Program Fees/May 2012	50.00
111867	05/23/2012	GOLDEN RAIN FOUNDATION	ABC License Deposit Refund/CUP-746	1,080.18
111868	05/23/2012	GOVERNMENT FINANCE OFFICERS	Membership Dues/June 2012- May 2013	190.00
111869	05/23/2012	HOGLE-IRELAND	Planning Services/March 2012	9,406.00
111870	05/23/2012	NIEVES LANDSCAPE, INC.	Landscaping Services	1,425.00
111871	05/23/2012	PRINCIPAL FINANCIAL GROUP	Employee Benefit Program/June 2012	436.80
111872	05/23/2012	SDB ENTERPRISES	Waste Diversion Deposit Refund/BP 31749C	795.00
111873	05/23/2012	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers/May 2012	89.72
111874	05/23/2012	YOLIE TRIPPY	Employee Benefit Program/May 2012	359.00
111875	05/23/2012	VERRALL, SANDRA	Cell Phone Reimbursement/April 2012	149.26
111876	VOID	VOID	VOID	-
111877	05/23/2012	WM CURBSIDE, LLC	Waste Collection/April 2012	21,637.76

CITY OF LAGUNA WOODS
WARRANT REGISTER
June 20, 2012

Check Number	Check Date	Vendor Name	Check Description	Amount
111878	VOID		VOID	-
111879	05/31/2012	AT&T	Telephone/458-3487/May 2012	31.84
111880	05/31/2012	BRIAN FOSTER CONSTRUCTION	Grading Permit Refund/GP-783	1,000.00
111881	05/31/2012	CALIFORNIA YELLOW CAB	Taxi Voucher Service/April 2012	19,344.00
111882	05/31/2012	CALPERS - HEALTH	Employee Benefit Program/June 2012	3,312.35
111883	05/31/2012	CALPERS - RETIREMENT	Retirement Contributions/Period Ending 05/18/2012	4,694.01
111884	05/31/2012	COASTAL TRAFFIC SYSTEMS, INC.	Street Maintenance	1,079.25
111885	05/31/2012	DELTA DENTAL PLAN OF CA	Employee Benefit Program/June 2012	633.98
111886	05/31/2012	ICC ORANGE EMPIRE CHAPTER	Training Seminar/Gates, Burnett	180.00
111887	05/31/2012	JONES, ERNESTINE	Employee Benefit Program/May 2012	308.56
111888	05/31/2012	MANAGED HEALTH NETWORK	Employee Benefit Program/June 2012	22.23
111889	05/31/2012	PEAK LIGHTING & ELECTRIC, INC	Streetlight Maintenance/May 2012	704.52
111890	05/31/2012	SADDLEBACK MEMORIAL FOUNDATION	Community Service Grant/2nd Quarter 2012	1,875.00
111891	05/31/2012	SONITROL	Alarm Monitoring/June 2012	57.23
111892	05/31/2012	SOUTHERN CALIFORNIA EDISON	City Hall Utilities/May 2012	1,044.18
111893	05/31/2012	SOUTHERN CALIFORNIA EDISON	Residential Streetlights/United/May 2012	1,531.67
111894	05/31/2012	SOUTHERN CALIFORNIA EDISON	Ridge Route Park/May 2012	21.26
111895	05/31/2012	SOUTHERN CALIFORNIA EDISON	City Centre Park/May 2012	22.67
111896	05/31/2012	UNITED STATES POSTAL SERVICE	Postage	1,974.00
111897	05/31/2012	VANTAGEPOINT TRANSFER AGT-457	Employee Benefit Program/May 2012	1,475.00
111898	05/31/2012	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program/June 2012	199.14
111899	06/06/2012	ALLIED MECHANICAL AIR SYS, INC	EECBG Project/HVAC Modifications	9,472.45
111900	06/06/2012	AT&T	Telephone/452-0600/May 2012	285.16
111901	06/06/2012	AT&T	Telephone/639-0500/May 2012	180.34
111902	06/06/2012	AT&T	Telephone/770-9359/May 2012	15.80

CITY OF LAGUNA WOODS
WARRANT REGISTER
June 20, 2012

Check Number	Check Date	Vendor Name	Check Description	Amount
111903	06/06/2012	CREATIONS UNLIMITED	Street Maintenance/New and Refurbished Signs	6,712.53
111904	06/06/2012	DELL	Equipment/Computer System Server	12,270.86
111905	06/06/2012	NINA DEPIERRO	Taxi Voucher Refund	32.50
111906	06/06/2012	DICKINSON ELECTRIC	CDBG Program/Ceiling Fan Repair	70.00
111907	06/06/2012	FOLEY, PATRICK	Employee Benefit Program/April-May 2012	144.52
111908	06/06/2012	HOGLE-IRELAND	Building Inspections/August 2011	8,981.25
111909	06/06/2012	OFFICE DEPOT	Office Supplies	440.53
111910	06/06/2012	OFFICEMAX INC	Office Supplies/Paper	240.88
111911	06/06/2012	SCOTT FAZEKAS & ASSOCIATES	Plan Check Services/April 2012	200.00
111912	06/06/2012	SOUTHERN CALIFORNIA EDISON	Traffic Signal Controllers/May 2012	737.53
111913	06/06/2012	VERRALL, SANDRA	Cell Phone Reimbursement/May 2012	25.00
111914	06/06/2012	SADDLEBACK WINDOWS AND DOORS	CDBG Energy Efficiency Program	13,689.00
111915	VOID		VOID	-
111916	VOID		VOID	-
111917	06/06/2012	AMERICAN ELECTRIC COMPANY	EECBG HVAC Electrical Wiring	7,250.40
111918	06/13/2012	AT&T	White Pages/June 2012	3.78
111919	06/13/2012	CAPTIONING UNLIMITED	Closed Captioning/Council Meeting/June 6, 2012	100.00
111920	06/13/2012	EL TORO WATER DISTRICT	Irrigation/May 2012	2,835.74
111921	06/13/2012	FOLEY, PATRICK	Employee Benefit Program/June 2012	210.00
111922	06/13/2012	GARY GATES	Employee Benefit Program/May 2012	533.55
111923	06/13/2012	KEANE, LESLIE A.	Auto Allowance/June 2012	450.00
111924	06/13/2012	KONICA MINOLTA	Copier Lease/June 2012	482.72
111925	06/13/2012	LOS ANGELES TIMES	Newspaper Delivery	56.80
111926	06/13/2012	NIEVES LANDSCAPE, INC.	Landscape Maintenance	326.00
111927	06/13/2012	TERESE S OLIVER	City Attorney Services/Redlight Camera/May 2012	3,487.50

CITY OF LAGUNA WOODS
WARRANT REGISTER
June 20, 2012

Check Number	Check Date	Vendor Name	Check Description	Amount
111928	06/13/2012	ORANGE COUNTY REGISTER-NOTICES	Public Notices/May 2012	809.40
111929	06/13/2012	PRACTICAL DATA SOLUTIONS	IT Services/April-June 2012	3,446.25
111930	06/13/2012	REILLY, DOUGLAS C.	Employee Benefit Program/June 2012	109.49
111931	06/13/2012	SOUTHERN CALIFORNIA EDISON	Safety Lights Over Traffic Signals/May 2012	361.42
111932	06/13/2012	SOUTHERN CALIFORNIA EDISON	Residential Streetlights/Third Mutual/May 2012	4,272.68
111933	06/13/2012	SOUTHERN CALIFORNIA EDISON	Right of Way/May 2012	1,335.98
Total Prepaid Warrants				<u>264,550.53</u>

REGULAR WARRANTS:

111934	06/13/2012	BANK OF AMERICA - CC	Credit Card Charges/May 2012	3,304.64
111935	06/13/2012	CAA	Water Quality Consulting/May 2012	2,151.50
111936	06/13/2012	CIVIL SOURCE	Engineering Services/May 2012	1,515.00
111937	06/13/2012	COMMPRO	Website Hosting/June 2012	295.00
111938	06/13/2012	CYNTHIA CONNERS	June 2012 Compensation	300.00
111939	06/13/2012	DENNIS D. NELSON, PE	Professional Services/April 2012	27,528.42
111940	06/13/2012	GREAT CLEANING SERVICE	Janitorial Services/May 2012	612.53
111941	06/13/2012	HACK, BERT	June 2012 Compensation	300.00
111942	06/13/2012	HARDY & HARPER, INC.	Street/Right Of Way Maintenance	4,800.00
111943	06/13/2012	HOGLE-IRELAND	Staffing Services/April 2012	8,680.00
111944	06/13/2012	KONE INC.	Elevator Maintenance/June 2012	227.37
111945	06/13/2012	NIEVES LANDSCAPE, INC.	Landscape Maintenance/June 2012	10,725.41
111946	06/13/2012	ORANGE COUNTY TREASURER/STREETS	Street Maintenance/April 2012	12,365.34
111947	06/13/2012	ORANGE COUNTY TREASURER/SHERIFF	Sheriff Services/May 2012	110,320.92
111948	06/13/2012	ORKIN	Pest Control/June 2012	84.49

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 June 20, 2012

Check Number	Check Date	Vendor Name	Check Description	Amount
111949	06/13/2012	REDFLEX TRAFFIC SYSTEMS	Redlight Camera/May 2012	15,000.00
111950	06/13/2012	MARTIN RHODES	June 2012 Compensation	300.00
111951	06/13/2012	ROBERT RING	June 2012 Compensation	300.00
111952	06/13/2012	MILTON ROBBINS	June 2012 Compensation	300.00
111953	06/13/2012	HEDWIG SCHULTES	Taxi Voucher Refund	50.00
111954	06/13/2012	THE GAS COMPANY	City Hall Utilities/May 2012	64.67
Total Regular Warrants				<u>199,225.29</u>
Total Register				463,775.82
May Credit Card Statement Detail				
Debit		FEDEX	Delivery Services	21.43
Debit		OC REGISTER	Newspaper Delivery	37.72
Debit		CA STORMWATER QUALITY ASSOC.	Online Subscription/Construction BMP Handbook	40.00
Debit		BEST BUY	PEG Equipment/2 Laptop Computers	2,737.91
Debit		CAD & GRAPHICS	Software & Training/Building & Safety Department	228.45
Debit		AMAZON	Supplies/Building & Safety Department	124.13
Debit		METROPOLITAN WATER DEPT/OC	2012 Water Summit/Hack	115.00

6.5
BAN ON POLYSTYRENE FOAM FOOD
SERVICE WARE

ORDINANCE NO. 12-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, PROHIBITING THE USE OF EXPANDED AND
EXTRUDED POLYSTYRENE DISPOSABLE FOOD SERVICE
WARE

WHEREAS, the City of Laguna Woods has an interest in protecting the natural environment, the economy, and the health of its citizens; and

WHEREAS, numerous studies have documented the prevalence of Polystyrene foam product debris in the environment, including in storm drains; and

WHEREAS, polystyrene foam – both extended (EPS) and extruded (XPS) – products are not biodegradable and as a result persist in the environment for hundreds of years; and

WHEREAS, Polystyrene foam breaks down into smaller pieces that migrate onto public property and into the City's stormdrain system, even when disposed of properly; and result in increased costs to maintain public parks and streets; and

WHEREAS, animals and birds often confuse polystyrene foam for a source of food and its ingestion can result in reduced appetite and nutrient absorption and possible death by starvation; and

WHEREAS, there are alternatives to polystyrene foam single-use food service ware readily available; and

WHEREAS, there is no meaningful recycling of polystyrene foam products used for food service ware.

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

SECTION 1: Chapter 4.23, entitled "Prohibition on Use of Expanded or Extruded Polystyrene Food Service Ware", is hereby added to the Laguna Woods Municipal Code to read in its entirety as follows:

Chapter 4.23 PROHIBITION ON USE OF EXPANDED OR EXTRUDED
POLYSTYRENE FOOD SERVICE WARE

- 4.23.010 Purpose
- 4.23.020 Definitions
- 4.23.030 Prohibition of Expanded Polystyrene Food Service Ware
- 4.23.040 Exceptions
- 4.23.050 Enforcement
- 4.23.060 Effective date
- 4.23.070 No Conflict with Federal or State Laws

4.23.010 Purpose

The purpose of this chapter is to: 1) establish standards and procedures for minimizing environmental waste and promoting litter reduction; and 2) promote environmentally sustainable practices throughout the City, by prohibiting the use of single-use polystyrene foam food service ware.

4.23.020 Definitions

(a) "City Facilities" means any building, structure, park or vehicle owned, leased or operated by the City of Laguna Woods, its agents, agencies, departments, and franchisees.

(b) "Customer" means any person obtaining prepared food from a restaurant or retail food vendor.

(c) "Disposable Food Service Ware" means all containers, trays, cartons, cups, utensils and other items that are designed for one-time use and on, or in, which any restaurant or retail food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at restaurants or retail food vendors such as plates, cups, bowls, utensils, lids, trays, and hinged or lidded containers. This does not include Polystyrene foam coolers and ice chests that are intended for reuse.

(d) "Polystyrene Foam" means a thermoplastic petrochemical material utilizing the styrene monomer, processed by any number of techniques, including but not limited to, fusion of polymer spheres (expandable bead polystyrene or EPS), injection molding, form molding and extrusion-blow molding (extruded foam polystyrene or XPS).

(e) "Food Vendor" means any commercial or non-commercial establishment or organization located or operating within the City of Laguna Woods which provides prepared and ready-to-consume food or beverages, including but not limited to any store, supermarket, delicatessen, restaurant, retail food vendor, sales outlet, shop, cafeteria, organization, club, charitable or religious group, catering truck or vehicle, sidewalk or other outdoor vendor, or caterer. "Food Vendor" does not include caterers providing delivered food directly to individual residences.

(f) "Prepared Food" means food or beverages which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the food vendor's premises within the City of Laguna Woods with the intent of consumption on or off the premises, either as "takeout food" or "to go food", or as the balance of an unfinished meal or prepared food serving. For the purposes of this ordinance, "Prepared Food" does not include raw, butchered, ground, chopped, or sliced meats, fish, and/or poultry sold from a butcher case or similar retail appliance for subsequent preparation.

(g) "Restaurant" shall have the same meaning as set out in Laguna Woods Municipal Code section 13.06.010.690.

(h) "Retail Food Vendor" means any store, shop, sales outlet, or other establishment, including a grocery store or a delicatessen, other than a restaurant, located within the City of Laguna Woods that provides prepared food.

4.23.030 Prohibition of Expanded Polystyrene Food Service Ware

(a) Except as provided by Section 4.23.040, food vendors are prohibited from providing prepared food for consumption in or with disposable food service ware made of polystyrene foam.

(b) Except as provided by Section 4.23.040, the use of disposable food service ware made of polystyrene foam is prohibited at all City Facilities, City-managed concessions, City-sponsored or co-sponsored events, and City permitted events, and all franchisees, contractors, and vendors doing business with the City are prohibited from using disposable food service ware made of polystyrene foam within the City of Laguna Woods.

4.23.040 Exceptions

(a) The City Manager or his/her designee may exempt a retail food vendor or restaurant from the requirements of this Chapter for a one-year period, upon written request by an applicant that the conditions of the Chapter would cause an Undue Hardship. The City Manager or his/her designee shall prepare a written decision to grant or deny a one-year exemption, which decision shall be final.

(b) An "Undue Hardship" may consist of:

- (1) Situations unique to the applicant where there are no reasonable alternatives to polystyrene foam food service ware, and compliance with the Chapter would cause a severe economic hardship to that applicant; or
- (2) Situations where no reasonably feasible available alternative exists to a specific and necessary polystyrene foam product.

(c) A retail food vendor or restaurant granted an exemption must reapply in writing prior to the end of the one-year exemption period and demonstrate continued undue hardship, if it wishes to have the exemption extended.

(d) An exemption application shall include all information necessary for the making of a decision on the application, including but not limited to documentation showing the factual support for the claimed exemption. The applicant may be required to provide additional information to permit the determination of facts regarding the exemption application.

(e) An exemption application may be approved in whole or in part, with or without conditions.

(f) The City Manager or his/her designee may also determine to exempt from the requirements of this Chapter, the procurement, offer, or use of supplies or services in the event of a proclaimed emergency or when otherwise deemed necessary by the City Manager for the immediate preservation of the public health, safety, or general welfare.

4.43.050 Enforcement

(a) Any violation of this Chapter shall be enforced through the Administrative Citation Program set forth in Chapter 1.06 of the City of Laguna Woods Municipal Code.

(b) Each and every day that disposable food service ware made of polystyrene foam is provided shall constitute a separate violation of this Chapter.

(c) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

(d) The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

4.43.060 Effective Date

This Chapter will become effective on July 1, 2013.

4.43.070 No Conflict with Federal or State Law.

Nothing in this Chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

SECTION 2: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF _____, 2012.

CYNTHIA S. CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing Ordinance No. 12-XX was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 16th of May 2012, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the ___ day of _____ 2012 by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

6.6
NOVEMBER 2012 MUNICIPAL ELECTIONS

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provision of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 6, 2012, for the election of Municipal Officers; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirement of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Laguna Woods, California on Tuesday, November 6, 2012, a General Municipal Election for the purpose of electing three (3) Members of the City Council for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242 except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of the Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON THE ___ DAY OF JUNE 2012

MILT ROBBINS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 12-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ___ of June 2012 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

YOLIE TRIPPY, Deputy City Clerk

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Laguna Woods called a General Municipal Election to be held on November 6, 2012, for the purpose of the election of three (3) Members of the City Council; and;

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the city precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Orange canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2012, for the purpose of the election of three (3) Members of the City Council.

SECTION 2. That the county election department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Laguna Woods recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Orange.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON THE ___ DAY OF JUNE 2012

MILT ROBBINS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 12-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ___ of June 2012 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

YOLIE TRIPPY, Deputy City Clerk

9.1

**FISCAL YEAR 2012-13 CITY MANAGER'S
PROPOSED ALL FUNDS BUDGET
(TO BE DISTRIBUTED SEPARATELY)**