

# **AGENDA of THE LAGUNA WOODS CITY COUNCIL**

**Regular Meeting  
July 15, 2009  
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:  Conners  Hack  Rhodes  
 Robbins, Mayor Pro Tem  Ring, Mayor

#### **IV. PRESENTATIONS**

#### **V. CITY PROCLAMATIONS**

None

All proclamations listed under this section will be enacted by one vote, unless Members of the City Council request specific items be removed for separate action. Proclamations will then be read and presented.

#### **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 June 3, 2009; June 17, 2009; and June 24, 2009 adjourned and regular meetings.

##### **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 June 2009 Treasurer's Reports.

##### **6.4 Warrant Register**

**RECOMMENDED ACTION:** Approve the July 15, 2009 Warrant Register in the amount of \$ 571,908.48.

## **VII. PUBLIC HEARINGS**

### **7.1 Rite Aid Sign Program/SP 547**

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Approve a resolution approving Sign Program 547 (Rite Aid), entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LAGUNA WOODS, CALIFORNIA APPROVING  
SIGN PROGRAM SP 547 FOR RITE AID

OR

- F. Approve a resolution denying approval of Sign Program 547 (Rite Aid), entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LAGUNA WOODS, CALIFORNIA DENYING  
APPROVAL OF SIGN PROGRAM SP 547 FOR RITE AID

## **VIII. CITY COUNCIL**

### **8.1 League of California Cities Litigation Regarding the State Budget (agendized by Councilmembers Connors and Rhodes)**

**RECOMMENDED ACTION:** Approve a resolution supporting litigation challenging the loss of local gas taxes, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA WOODS, CALIFORNIA, SUPPORTING  
PROPOSED LEAGUE OF CALIFORNIA CITIES

LITIGATION CHALLENGING THE CONSTITUTIONALITY  
OF ANY DIVERSION OF HIGHWAY USERS TAXES

**IX. CITY MANAGER**

9.1 Modifications to Temporary Sign Regulations

RECOMMENDED ACTION: Approve introduction and first reading of an ordinance modifying temporary sign regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, AMENDING CHAPTER 13.20 OF THE  
LAGUNA WOODS MUNICIPAL CODE PERTAINING TO  
SIGN REGULATIONS

9.2 Massage Business Regulations

RECOMMENDED ACTION: Approve introduction and first reading of an ordinance modifying message business regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, AMENDING CHAPTER 6.40 OF THE  
LAGUNA WOODS MUNICIPAL CODE PERTAINING TO  
MASSAGE REGULATIONS

**X. CITY ATTORNEY'S REPORT**

**XI. COMMITTEE REPORTS**

11.1 Transportation Corridor Agencies (Councilmember Hack)

11.2 Orange County Library Board (Mayor Pro Tem Robbins)

11.3 Orange County Fire Authority (Councilmember Rhodes)

11.4 Southern California Water Committee (Councilmember Hack)

11.5 Coastal Greenbelt Authority (Councilmember Connors)

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

11.7 Vector Control District Board (Board Member Bouer)

## **XII. PUBLIC COMMENTS**

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

13.1 Reports on Meetings Attended

- A. Orange County Fire Authority Chief Prather Farewell Dinner (Rhodes)
- B. Orange County Division/League of California Cities Dinner (Hack, Ring, Rhodes)

13.2 Other Comments and Announcements

## **XIV. CLOSED SESSION**

None

## **XV. ADJOURNMENT**

The meeting will be adjourned to a Meeting of the City Council at 2:00 p.m. on Wednesday, August 19, 2009 held 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 special 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.

**6.1-6.4**  
**CONSENT CALENDAR SUMMARY**

## City of Laguna Woods Agenda Report

**FOR:** July 15, 2009 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 July 15, 2009 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 July 15<sup>th</sup> Consent Calendar contains the following four items:

- 6.1 Approval of the minutes from the June 3, June 17 and June 24, 2009 adjourned and regular City Council meetings, as submitted.

## ITEMS 6.1 – 6.4

- 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 June 2009 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 \$11.1 million in cash on hand and in other liquid assets.
- 6.4 Approval of the July 15, 2009 Warrant Register, as submitted, in the total amount of \$571,908.48. This warrant register contains payments related to both Fiscal Year 2008-09 (\$286,878.71) and 2009-10 (\$285,029.77). A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Assistant City Manager's office.

The above matters are routine and/or have been reviewed by the Council on other occasions. Staff recommends that they be approved as part of the July 15, 2009 Consent Calendar.

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**  
**REGULAR AND ADJOURNED MEETINGS**

**CITY OF LAGUNA WOODS, CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING**

**June 3, 2009**

**2:00 P.M.**

---

**I. CALL TO ORDER**

Mayor Ring called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

**II. FLAG SALUTE**

City Attorney McEwen led the flag salute.

**III. ROLL CALL**

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

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

**IV. CITY MANAGER**

**4.1 City Hall Accessible Driveway and Parking**

City Manager Keane removed this item from the agenda and noted that the project will proceed as previously approved by the City Council on April 29, 2009. Responding to a question from Councilmember Rhodes, she indicated that due to a lower than expected bid for the project, staff had hoped to add additional ADA improvements, but that it was not possible at this time.

**4.2 Fiscal Year 2009-10 Budget**

City Manager Keane summarized the agenda report. She noted that there have not been any requests from members of the public to modify the budget.

Councilmember Hack felt comfortable with the budget as presented and believes that the City is less impacted by the State's budget crisis than other cities.

Councilmember Conners discussed the condition of the national economy and the State's budget crisis. She feels that the City may need to consider longer-term adjustments.

City Manager Keane noted that the budget includes an economic uncertainties reserve.

Councilmember Conners expressed concerns with increasing the City Council's meetings and travel budget, as well as with adding an automobile allowance for Councilmembers. She also asked for clarification regarding the City Council's ability to adjust the budget if projected revenues are not realized.

City Manager Keane suggested that the City Council postpone making a decision on the proposed automobile allowance until the Attorney General's Office releases its pending opinion on the matter. She also suggested that the City Council re-evaluate expenditures at their regularly scheduled meeting in September and also at mid-year.

Councilmember Rhodes concurred with City Manager Keane's suggestions.

Mayor Pro Tem Robbins feels that the City Council's current meetings and travel budget is sufficient. He also suggested that the City continue its membership in the Orange County Council of Governments (OCCOG) in lieu of the Human Relations Committee.

Mayor Ring stated that he does not believe that the meetings and travel budget needs to be increased at this time. He also agreed with Mayor Pro Tem Robbins that the benefits of the City's OCCOG membership outweigh the Human Relations Committee's.

Councilmember Hack noted his disagreement with the other members of the City Council on increasing the meetings and travel budget. He discussed the benefit of his frequent attendance at meetings throughout Southern California and the financial impact that they have on him. He contended that the increase was not excessive and that any unused amount could remain in the account. He also encouraged new Councilmembers to attend meetings.

Mayor Ring discussed the City Council's current travel reimbursement policy and stated his preference for the current policy over a monthly allowance.

The City Council confirmed that consensus had been reached on the following items:

- Proceed with the revenue projections as proposed
- End the City's membership in the Human Relations Committee
- Budget for the City's continued membership in OCCOG
- Leave \$50,000 in the City Council Contingency account

City Manager Keane stated the Budget Book will be made available for public review by the end of next week.

## **V. PUBLIC COMMENTS**

Mr. Nahas, resident, announced that he regularly attends the City Council meetings and thanked the Councilmembers for a job well done.

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

Councilmember Hack discussed a recent League of California Cities event in San Diego.

Councilmember Rhodes and Councilmember Conners briefly discussed the Joint Powers Insurance Authority (JPIA) Academy that they attended.

Mayor Ring mentioned that he was approached by Harry Arnest, resident, asking that the City Council be mindful of water issues.

Mayor Ring also discussed a complaint that he received from a Veterans group about the City's lack of participation in a Memorial Day event. He suggested that groups that are interested in having City representation at events contact the City in advance.

## **VII. ADJOURNMENT**

The meeting was adjourned at 2:48 p.m. The next meeting will be at 2:00 p.m. on June 17, 2009 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

---

YOLIE TRIPPY, Deputy City Clerk

Adopted: July 15, 2009

---

ROBERT B. RING, Mayor

**CITY OF LAGUNA WOODS, CALIFORNIA**  
**CITY COUNCIL MINUTES**  
**REGULAR MEETING**  
**June 17, 2009**  
**2:00 P.M.**

---

**I. CALL TO ORDER**

Mayor Ring called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

**II. FLAG SALUTE**

Laguna Woods resident Charles Naha led the flag salute.

**III. ROLL CALL**

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

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

**IV. PRESENTATIONS**

4.1   Orange County Fire Authority: Unit 22 Crew Citation and Medal of Valor Award –  
      presented by Battalion Chief Ron Blau and Division Chief Ed Fleming

Battalion Chief Blau recognized Unit 22 for their response to the recent residential fire on San Amadeo. Firefighter Ryan Cummings received the Medal of Valor Award.

Mayor Ring thanked the unit for their heroic efforts and for keeping the community safe.

**V. CITY PROCLAMATIONS**

None.

**VI. CONSENT CALENDAR**

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried unanimously to approve Consent Calendar Items 6.1 - 6.5.

6.1   City Council Minutes

Approved the minutes from the April 29, 2009 adjourned meeting and May 20, 2009 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 May 2009 Treasurer's Report.

6.4 Warrant Register

Approved the June 17, 2009 Warrant Register in the amount of \$423,600.91.

6.5 Community Development Block Grant Energy Efficiency Retrofit Program

Approved three year agreements with Dicksons Inc. and Saddleback Windows for the provision and installation of energy efficiency retrofit equipment, not exceeding the aggregate amount approved by the County of Orange, and authorize the City Manager to execute the agreement subject at approval as to form by the City Attorney.

City Manager Keane announced that the City's CDBG allocation has been increased from \$90,000 to \$125,000, which will allow for additional energy efficiency retrofits.

## **VII. PUBLIC HEARINGS**

None.

## **VIII. CITY COUNCIL**

None.

## **IX. CITY MANAGER**

9.1 FY 2009-10 Budget

City Manager Keane reviewed her proposed budget, including \$22 million in services, programs and projects for the benefit of Laguna Woods' residents and businesses.

Councilmember Rhodes expressed his concerns related to the possible "shutdown" of the State government.

City Manager Keane stated that she believes the Governor's intent is to shutdown only certain functions of the State and explained that the legislature is legally obligated to allocate certain funds to cities. She assured the City Council that the City does not have a cash flow problem at this time.

Councilmember Hack expressed his concerns related to the State's economic situation, including their poor bond rating.

City Manager Keane recommended adopting the budget as proposed, which takes into account certain anticipated reductions in revenue.

Mayor Ring indicated that the City Council has reached a consensus on the budget and that a formal vote will be agendized at the next meeting.

City Manager Keane noted that the budget and related resolutions will be placed on the consent calendar for the meeting on June 24, 2009.

**X. CITY ATTORNEY'S REPORT**

None.

**XI. COMMITTEE REPORTS**

11.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack indicated that use of the toll roads has decreased due to the economy.

11.2 Southern California Water Committee (Councilmember Hack)

Councilmember Hack explained the purpose and composition of the Committee.

11.3 Orange County Library Board (Mayor Pro Tem Robbins)

The Library Board has not met since the last City Council meeting.

Mayor Pro Tem Robbins discussed a recent meeting of the Growth Management Area Committee. The Committee's recommendations to shift County funds will allow the City to delay \$658,000 from FY 2008-09 to FY 2009-10 for the Moulton Smart Street Project.

City Manager Keane noted that the risk of losing \$2.5 million in County funds for the project has been discussed and the \$658,000 is a portion of those funds.

11.4 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes announced that Keith Richter has been selected to replace Chip Prather as the OCFA Fire Chief, effective in July. He also discussed a recent fire that occurred on the southwest border of the City, near Moulton Parkway.

11.5 Laguna Canyon Foundation (Councilmember Rhodes)

Mayor Ring and Councilmember Rhodes were recently re-appointed to three year terms and Mayor Ring was selected to continue serving as the Foundation's Treasurer.

11.6 Coastal Greenbelt Authority (Councilmember Connors)

Councilmember Connors discussed the Authority's role and responsibilities and noted

that they recently reviewed a resource management plan.

11.7 Vector Control District Board (Board Member Bouer)

Mayor Ring reported on behalf of Board Member Bouer, who was unable to attend today's meeting, and stated that the City has no vector problems to report.

**XII. PUBLIC COMMENTS**

None.

**XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS**

13.1 City Councilmembers reported on the following meetings they attended:

A. League of California Cities Mayor and Councilmembers Forum, May 28, 2009 (Hack)

B. CJPIA New Councilmembers Conference, May 31 – June 2, 2009 (Conners, Rhodes)

13.2 Other Comments and Announcements

Councilmember Rhodes announced the hospitalization of Cheryl Walker, a reporter for the *Laguna Woods Globe*, and encouraged everyone to send her well wishes.

Councilmember Conners echoed Councilmember Rhodes' sentiments.

Councilmember Conners stated that, in her capacity on the OC Waste Commission, she was informed by OC Waste & Recycling Director Giancola that the landfill that the City uses should remain open for service until the year 2053.

**XIV. CLOSED SESSION**

None.

**XV. ADJOURNMENT**

The meeting was adjourned at 3:14 p.m. to a Meeting of the City Council at 2:00 p.m. on Wednesday, June 24, 2009 held at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

---

YOLIE TRIPPY, Deputy City Clerk

Adopted: July 15, 2009

---

ROBERT B. RING, Mayor

**CITY OF LAGUNA WOODS, CALIFORNIA  
CITY COUNCIL MINUTES  
ADJOURNED REGULAR MEETING  
June 24, 2009  
2:00 P.M.**

---

**I. CALL TO ORDER**

Mayor Ring announced the attendance of Councilmember Conners by teleconference from the Wyndham Grand Resort, 265 E. Harmon Avenue, Las Vegas, Nevada and 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**

Javier Soto, Section Manager for Orange County Public Works led the flag salute.

**III. ROLL CALL**

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

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

**IV. CONSENT CALENDAR**

Moved by Councilmember Hack, seconded by Councilmember Robbins, and carried unanimously to approve Consent Calendar Items 4.1 – 4.4.

4.1   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.

4.2   Fiscal Year 2009-10 Budget

Adopted four resolutions related to the implementation of the Fiscal Year 2009-10 budget, entitled:

A.   **Resolution No. 09-11** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND ENDING JUNE 30, 2010

AND

- B. **Resolution No. 09-12** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH MEASURE M REQUIREMENTS

AND

- C. **Resolution No. 09-13** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2009-10

AND

- D. **Resolution No. 09-14** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A GENERAL GOVERNMENTAL OVERHEAD RATE OF 46%

4.3 Fiscal Year 2009-10 Law Enforcement Services

Approved an agreement with the County of Orange for Fiscal Year 2009-10 law enforcement services in the City of Laguna Woods, and authorized the Mayor to execute the agreement subject to approval as to form by the City Attorney.

4.4 Fiscal Year 2009-10 Proposition 1B Funding

Adopted **Resolution No. 09-15** authorizing an application to the State of California for Proposition 1B funds for the El Toro Road/Avenida Sevilla Storm Drain Project, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE APPLICATION TO THE STATE OF CALIFORNIA FOR PROPOSITION 1B FUNDS FOR THE EL TORO ROAD/AVENIDA SEVILLA STORM DRAIN PROJECT

V. **PUBLIC HEARINGS**

5.1 Moulton Parkway Construction Schedule

Assistant City Manager Reilly summarized the agenda report.

Ron Reeves from URS Corporation discussed the construction noise study.

Councilmember Hack asked for clarification on the duration of the project and proposed night hours.

Mr. Reeves responded that night hours are defined as 10 p.m. to 7 a.m. It is anticipated that the project could take up to nine months to complete.

Councilmember Connors stated that the presentation by URS Corporation was very clear and announced that she had no questions on the matter.

Assistant City Manager Reilly suggested amending Noise Mitigation Measure Item #3 to read as follows: "Equipment and work that generates 70 dBa or greater at residences shall be performed by 10 p.m., as shown on table #6 of the Noise Study Report."

Councilmember Robbins expressed his concerns regarding traffic and accessibility for emergency services if construction occurred during the day.

City Manager Keane stated that the Orange County Fire Authority informed the Public Safety Committee that they would be able to deal with either of the proposed construction schedules. She further noted that the Public Safety Committee expressed their concern with the noise level for the residents directly behind the Willow Tree Shopping Center but unanimously determined that the evening construction schedule was preferable.

Assistant City Manager Reilly noted that the City of Laguna Hills approved the evening construction schedule for the segment north of Santa Maria Avenue to El Pacifico.

The public hearing was opened.

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

Councilmember Hack asked if a significant drop in traffic would occur if construction began at 6:30 p.m., instead of 6 p.m.

Javier Soto, Section Manager for Orange County Public Works, stated he would provide staff with specific information for 6-6:30 p.m. He noted the duration of the construction may be prolonged, if the work hours are decreased.

City Manager Keane suggested that the City Council approve the evening construction schedule and add the following language to the agreement, if desired: "The County shall make every effort not to start noisy work until 6:30 p.m. if possible."

Councilmember Rhodes stated that he saw no reason to change the agreement.

Moved by Councilmember Rhodes, seconded by Councilmember Robbins, and carried unanimously to approve a noise variance authorizing construction work on the roadway in the late evening/early morning hours, amended to include the following addition to Noise Mitigation Measure Item #3: "Equipment and work that generates 70 dBa or greater at residences shall be performed by 10 p.m., as shown on table #6 of the Noise Study Report."

## **VI. CITY MANAGER**

### **6.1 Landfill Disposal of Municipal Solid Waste**

City Manager Keane summarized the agenda report.

Councilmember Conners stated that she believes that while the rate increase may seem significant, it is still less than the current rate plus inflation over the past years.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve an agreement with the County of Orange for the disposal of municipal solid waste; and to authorize the City Manager to execute the agreement subject to approval as to form by the City Attorney.

**VII. PUBLIC COMMENTS**

None.

**VIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS**

Councilmember Hack commented that the community has considered noise issues in the past and revered the proposal of the El Toro Airport and the Moulton Parkway construction schedule.

Councilmember Rhodes commented on his attendance at South County Senior Services' awards program on June 17, 2009.

**IX. ADJOURNMENT**

The meeting was adjourned at 2:40 p.m. The next meeting will be at 2:00 p.m. on Wednesday, July 15, 2009 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

---

YOLIE TRIPPY, Deputy City Clerk

Adopted: July 15, 2009

---

ROBERT B. RING, Mayor

**6.2**  
**WAIVE READING OF ORDINANCES AND**  
**RESOLUTIONS**  
**(No Report)**

**6.3**  
**TREASURER'S REPORT**

**City of Laguna Woods**  
**Treasurer's Report**  
**June 30, 2009**

**CASH ON HAND**1. Investments/General Fund

Local Agency Investment Fund	\$	9,753,268
		<hr/>
Subtotal	\$	9,753,268

2. Investments/Transportation Fund

Local Agency Investment Fund	\$	410,407
		<hr/>
Subtotal	\$	410,407

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

Petty Cash Funds	\$	840
Analyzed Checking Account	\$	886,695
		<hr/>
Subtotal	\$	887,535

<b>TOTAL</b>	<b>\$</b>	<b>11,051,210</b>
--------------	-----------	-------------------

Note: LAIF reports interest earnings quarterly.

**6.4**  
**WARRANT REGISTER**

CITY OF LAGUNA WOODS  
WARRANT REGISTER - FY 2010  
July 15, 2009

CK #	WR #	Vendor	Account	Item/Purpose	Amount
107635	10-0001	AFLAC	001.6100.8110	Employee Benefit Program/July 2009	278.70
			001.6400.8110		116.50
107637	10-0002	Alliant Insurance	600.6590.7502	Crime Insurance/FY 2009-2010	1,150.00
107639	10-0003	CalPers/Health	001.6100.8110	Employee Benefit Program/July 2009	2,284.48
			001.6400.8110		425.11
			001.6100.7391		12.19
107642	10-0004	C. N. A.	001.6100.8110	Employee Benefit Program/July-September 2009	518.16
107649	10-0005	Managed Health Network	001.6100.8110	Employee Benefit Program/July-September 2009	17.29
			001.6400.8110		4.94
107652	10-0006	Principal Financial Group	001.6100.8110	Employee Benefit Program/July 2009	356.23
			001.6400.8110		94.06
107657	10-0007	Transamerica	001.6100.8110	Employee Benefit Program/July-September 2009	74.20
107658	10-0008	Vision Service Plan	001.6100.8110	Employee Benefit Program/July 2009	147.23
			001.6400.8110		20.30
107662	10-0009	California JPIA	600.6590.8501	General Liability Insurance/FY 09-10	108,370.00
			001.6100.8110	Worker's Comp Insurance/FY 08-09	8,338.00
107667	10-0010	County of Orange/LAFCO	001.6000.7201	Annual LAFCO Dues/FY 09-10	1,917.86
107669	10-0011	Delta Dental	001.6100.8110	Employee Benefit Program/July 2009	593.03
			001.6400.8110		42.84
107682	10-0012	Southern CA Assoc. of Governments	001.6000.7201	Annual Dues/FY 09-10	1,520.10
	10-0013	C. N. A.	001.6100.8110	Employee Benefit Program/July-September 2009	410.36
	10-0014	Transamerica	001.6100.8110	Employee Benefit Program/July-September 2009	74.20
	10-0015	AT&T	001.6590.7232	White Pages/July 2009	3.43
	10-0016	CIT Technology	001.6100.7222	Copier Lease/City Hall/July 2009	647.07
			001.6100.7222	Copier Lease/Historical Society/July 2009	119.17
	10-0017	Tyler Technologies	001.6100.7303	Annual Maintenance Agreement/FundBalance Software	3,737.00
	10-0018	County of Orange/Sheriff Department	001.6600.7351	Sheriff Services/July 2009	98,192.42
			230.6600.7351		10,000.00
	10-0019	Yolie Trippy	001.6100.8110	Employee Benefit Program/July 2009	500.00
	10-0020	ABM Janitorial	001.6590.7234	Janitorial Service/July 2009	709.80
	10-0021	Practical Data Solutions	001.6100.7391	Computer Systems Service Agreement/FY 2009-2010	622.50
	10-0022	Sonitrol	001.6590.7234	City Hall/Alarm System Maintenance/July 2009	51.41
	10-0023	Redflex	001.6600.7371	Redlight Photo Enforcement/July 2009	27,350.00
	10-0024	Commpro	001.6100.7391	Website Hosting Services/July 2009	295.00
	10-0025	Orkin	001.6590.7234	City Hall/Building Maintenance/July 2009	76.64
	10-0026	RS Elevator	001.6590.7234	City Hall/Elevator Maintenance/July 2009	158.16
	10-0027	TruGreen Landscape	100.6700.7341	Landscape Maintenance/July 2009	8,962.00

10-0028	Leslie Keane	001.6100.7204	Automobile Allowance/July 2009	450.00
10-0029	Leslie Keane	001.6100.7204	Automobile Allowance/August 2009	450.00
10-0030	Douglas Reilly	001.6100.8110	Employee Benefit Program/July 2009	51.00
		001.6590.7232	Cell Phone Reimbursement/July 2009	79.50
10-0031	Douglas Reilly	001.6100.8110	Employee Benefit Program/August 2009	51.00
		001.6590.7232	Cell Phone Reimbursement/August 2009	79.50
10-0032	Sandra Verrall	001.6590.7232	Cell Phone Reimbursement/July 2009	25.00
10-0033	Sandra Verrall	001.6590.7232	Cell Phone Reimbursement/August 2009	25.00
10-0034	Ernestine Jones	001.6100.8110	Employee Benefit Program/July 2009	216.34
10-0035	CitiStreet/CalPers 457 Plan	001.6100.8110	Employee Benefit Program/July 2009	291.37
		001.6400.8110		300.00
10-0036	Vantage Point/ICMA 457 Plan	001.0000.2601	Employee Contributions/July 2009	650.00
		001.6100.8110	Employee Benefit Program/July 2009	949.56
10-0037	AFLAC	001.6100.7303	Program Fees/July 2009	25.00
10-0038	AFLAC	001.6100.8110	Employee Benefit Program/August 2009	278.70
		001.6400.8110		116.50
10-0039		001.6100.7303	Program Fees/August 2009	25.00
10-0040	Managed Health Network	001.6100.8110	Employee Benefit Program/August 2009	17.29
		001.6400.8110		4.94
10-0041	Delta Dental	001.6100.8110	Employee Benefit Program/August 2009	593.03
		001.6400.8110		42.84
10-0042	Principal Financial Group	001.6100.8110	Employee Benefit Program/August 2009	356.23
		001.6400.8110		94.06
10-0043	Vision Service Plan	001.6100.8110	Employee Benefit Program/August 2009	147.23
		001.6400.8110		20.30
10-0044	Cynthia Conners	001.6000.8102	July Compensation	300.00
10-0045	Bert Hack	001.6000.8102	July Compensation	300.00
10-0046	Milt Robbins	001.6000.8102	July Compensation	300.00
10-0047	Robert Ring	001.6000.8102	July Compensation	300.00
10-0048	Martin Rhodes	001.6000.8102	July Compensation	300.00
	TOTAL			285,029.77

Void Check(s): 107654, 107660, 107661

CITY OF LAGUNA WOODS  
WARRANT REGISTER - FY 2009  
July 15, 2009

CK #	WR #	Vendor	Account	Item/Purpose	Amount
107589	09-1578	Kristar	001.6400.7357	Storm Drain Filter/May 2009	4,620.00
107598	09-1579	Southern California Edison	100.6700.7237	Safety Lights over Traffic Signals/May 2009	403.29
107599	09-1580		001.6700.7236	Residential Streetlights/United/May 2009	386.29
107600	09-1581		001.6700.7236	Residential Streetlights/Third/May 2009	4,319.28
107601	09-1582		100.6700.7237	Right of Way/May 2009	2,143.62
107619	09-1583	Bert Hack	001.6000.7204	Mileage/April-June 2009	114.35
107620	09-1584	Gertrude Schachter	190.0000.2610	Taxi Voucher Refund	134.00
107621	09-1585	Doug Reilly	001.6000.7204	Mileage/April-June 2009	255.75
107624	09-1586	International Pavement Solutions, Inc.	340.6590.7640	CDBG/Phase II ADA Pathway	28,440.70
107625	09-1587	Maceachern Construction	010.0000.4501	Waste Diversion Refund/BP 22823C	1,500.00
107626	09-1588	Creations Unlimited	275.6590.7600	Ridge Rte Linear Park Signage	597.60
107629	09-1589	Dennis D. Nelson, P.E.	340.6590.7640	CDBG Project/City Hall/ADA Pathway/June 2009	4,850.00
107634	09-1590	ABM Janitorial	001.6590.7234	Janitorial Supplies/June 2009	187.76
107638	09-1591	Esther Baranov	190.0000.2610	Taxi Voucher Refund	20.00
107640	09-1592	Captioning Unlimited	001.6100.7391	Professional Services/Council Meetings/June 17 & 24, 2009	250.00
107643	09-1593	Curbside	361.6700.7349	In-Home/Bulky Items Collections/May 2009	4,100.00
			001.6700.7349	Door-to-Door Collections/May 2009	4,378.07
			001.6700.7349	Household Hazardous Waste Collections/E-Waste/May 2009	4,257.24
			001.6700.7349	Household Hazardous Waste Collections/Medical/May 2009	546.79
			001.6700.7349	Battery Collections/May 2009	497.52
107644	09-1594	El Toro Water District	001.6700.7342	City Hall/Landscape Irrigation/May 2009	3,424.99
107646	09-1595		100.6590.7600	Fuel Tax/Ridge Route Park Irrigation/May 2009	239.49
107647	09-1596		001.6700.7342	Dog Park Irrigation/June 2009	12.63
107650	09-1597	Dorothy Mark	190.0000.2610	Taxi Voucher Refund	43.80
107651	09-1598	Ocean Construction & Painting	010.0000.4501	Waste Diversion Refund/BP 22949C	990.00
				Waste Diversion Refund/BP 22950C	1,035.00
				Waste Diversion Refund/BP 23126C	870.00
107655	09-1599	Southern California Edison	001.6700.7342	Irrigation Controllers/June 2009	77.78
107656	09-1600	Southern California Edison	001.6700.7236	Residential Streetlights/Third/June 2009	30.25
107659	09-1601	WLC Architects	001.6590.7259	Prof. Services/City Hall Library Assessment Study/May 2009	10,625.00
107663	09-1602	AT & T	001.6590.7232	Telephone/581-3974/May 2009	572.71
107664	09-1603	Avanti Printing	001.6500.7330	Summer 2009 Newsletter/Printing Services	6,013.13
107666	09-1604	Rus Calisch	001.6500.7330	Summer 2009 Newsletter/Graphics Services	400.00
107671	09-1605	El Toro Water District	001.6700.7342	Santa Maria Irrigation/June 2009	136.72
107672	09-1606		001.6700.7342	Moulton Irrigation/June 2009	113.93
107673	09-1607		001.6700.7342	Santa Maria Irrigation/June 2009	136.72
107674	09-1608		001.6700.7342	Santa Maria Irrigation/June 2009	123.05

107675	09-1609	El Toro Water District	001.6700.7342	Santa Maria Irrigation/June 2009	136.72
107676	09-1610		001.6700.7342	El Toro Irrigation/June 2009	55.28
107677	09-1611		001.6700.7342	Avenida Sevilla Irrigation/June 2009	118.49
107678	09-1612		001.6700.7342	El Toro Irrigation/June 2009	57.36
107680	09-1613	Los Angeles Times	001.6700.7236	Delivery/Jan-Jun, 2009	12.60
107681	09-1614	Lynn Capouya	275.6590.7600	Capital Project/Professional Services/Ridge Route Linear Park	500.00
107683	09-1615	Southern California Edison	001.6590.7231	City Hall/June 2009	1,675.58
107684	09-1616		265.6590.7600	Ridge Route Linear Park/June 2009	18.56
107685	09-1617	The Gas Company	001.6590.7231	City Hall/June 2009	23.85
	09-1618	AT & T	001.6590.7232	Telephone/458-3487/June 2009	31.58
	09-1619		001.6590.7232	Telephone/770-9359/June 2009	15.75
	09-1620		001.6590.7232	Telephone/639-0500/June 2009	372.14
	09-1621		001.6590.7232	Telephone/452-0600/June 2009	223.78
	09-1622	Michael Balliet	001.6700.7350	Solid Waste & Recycling Consulting/June 2009	2,970.00
			290.6700.7349		1,290.00
			300.6700.7349		180.00
	09-1623	Bank of America-CC	2601	See Below	521.43
	09-1624	Bonanza Steam Cleaning	100.6700.7343	Graffiti Removal	130.00
	09-1625	California Building Standards Commission	001.0000.4401	Building Standards Administration Permit Fee Assessment	598.00
			001.0000.4408	Administrative Code Enforcement Education Fee	-59.80
	09-1626	California Yellow Cab	260.6700.7369	Taxi Voucher Program Services/June 2009	27,152.00
	09-1627		260.6700.7369	NEMT Services/June 2009	4,458.00
	09-1628	County of Orange/Sheriff Department	001.6600.7351	Additional Law Enforcement/Jan 2009	327.84
	09-1629	County of Orange/Sheriff Department	001.6600.7351	OCSD Communication Chg./4th Qtr FY 08-09	24.00
	09-1630	County of Orange/Streets	110.6700.7343	Street Maintenance/May 2009	8,237.40
			100.6700.7347	Street Sweeping/May 2009	6,239.28
	09-1631	D & E Electrical Contractors, Inc.	001.6700.7236	Streetlight Maintenance/June 2009	930.00
	09-1632	CA Department of Conservation	001.0000.4401	SMIP Fee Payment/4th Quarter FY 2009	362.51
			001.0000.4407	Seismic Education/Data Utilization Fee	-18.13
	09-1633	Konica Minolta	001.6100.7222	Copier Fees/March 30, 2009-June 23, 2009	28.71
	09-1634	Marina Landscaping	275.6590.7600	Capital Project/Ridge Route Linear Park/April 2009	3,281.00
			275.0000.2501	Retention	-328.10
	09-1635	Marina Landscaping	275.6590.7600	Capital Project/Ridge Route Linear Park/May 2009	44,295.00
			275.0000.2501	Retention	-4,429.50
	09-1636	Office Depot	001.6100.7221	Office Supplies	152.38
	09-1637				298.43
	09-1638	Overland, Pacific & Cutler	140.6590.7600	Traffic Mitigation/Capital Projects/May 2009	404.75
	09-1639	Practical Data Solutions	001.6100.7391	Information Technology/Labor Charges/July 2008-June 2009	12,000.00
				Information Tech./Labor Charges & Equip./Dec'07-June '08	6,688.79
				Information Technology/Labor Charges/July-November, 2007	4,400.00
				Computer Equipment	467.84
				Service Agreement and Power Supply Equipment	995.80

09-1640	Practical Data Solutions	001.6100.7391	Information Technology/Labor Charges/June 2009	625.00
09-1641	Southern California Edison	001.6700.7236	Residential Streetlights/Third/June 2009	31.13
09-1642		001.6700.7236	Residential Streetlights/United/June 2009	806.46
09-1643		110.6700.7343	Traffic Signal Controllers/June 2009	675.19
09-1644		001.6700.7236	Residential Streetlights/Third/June 2009	26.06
09-1645		001.6700.7236	Residential Streetlights/Third/June 2009	25.77
09-1646		001.6700.7236	Residential Streetlights/Third/June 2009	28.55
09-1647		001.6700.7236	Residential Streetlights/Third/June 2009	27.98
09-1648		001.6700.7236	Residential Streetlights/Third/June 2009	30.55
09-1649		001.6700.7236	Residential Streetlights/Third/June 2009	28.19
09-1650	TruGreen Landcare	001.6700.7342	Landscape Maintenance/Extra Work/May 2009	688.90
		100.6700.7341	Landscape Maintenance/Irrigation Repair/May 2009	1,198.07
		100.6700.7341	Landscape Maintenance/Accident Repair/May 2009	330.00
09-1651	ADP	001.6100.8101	Payroll Ending 06/05/09 Full-time Staff	21,427.03
		001.6100.8102	Payroll Ending 06/05/09 Part-time Staff	1,059.38
		001.0000.2601	Deferred Comp/Payroll Ending 06/05/09	-325.00
		001.0000.2180	FSA Payable/Payroll Ending 06/05/09	-110.00
		001.6400.8101	Payroll Ending 06/05/09 Full-time Staff	4,472.00
		001.6100.8111	Payroll Taxes- Employer	1,790.64
		001.6400.8111	Payroll Taxes- Employer	342.11
		001.6100.2601	Deferred Comp/Payroll Ending 06/05/09	-1,219.80
		190.6500.8101	Payroll Ending 06/05/09 Full-time Staff	712.50
		190.6500.8102	Payroll Ending 06/05/09 Part-time Staff	517.50
		190.6500.8111	Payroll Taxes- Employer	94.10
09-1652	ADP	001.6100.7303	Payroll Processing	103.71
09-1653	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 06/05/09	4,016.78
		001.6400.8112		811.35
09-1654	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 06/05/09	325.00
		001.0000.2601	Deferred Comp/Payroll Ending 06/05/09	1,219.80
09-1655	ADP	001.6100.8101	Payroll Ending 06/19/09 Full-time Staff	21,427.03
		001.6100.8102	Payroll Ending 06/19/09 Part-time Staff	1,154.50
		001.0000.2601	Deferred Comp/Payroll Ending 06/19/09	-325.00
		001.0000.2180	FSA Payable/Payroll Ending 06/19/09	-110.00
		001.6400.8101	Payroll Ending 06/19/09 Full-time Staff	4,472.01
		001.6100.8111	Payroll Taxes- Employer	1,809.53
		001.6400.8111	Payroll Taxes- Employer	342.11
		001.6100.2601	Deferred Comp/Payroll Ending 06/19/09	-1,219.80
		190.6500.8101	Payroll Ending 06/19/09 Full-time Staff	596.25
		190.6500.8102	Payroll Ending 06/19/09 Part-time Staff	712.50
09-1656	ADP	190.6500.8111	Payroll Taxes- Employer	97.21
		001.6100.7303	Payroll Processing	103.71

09-1657	CalPERS Retirement	001.6100.8112 001.6400.8112	Retirement System/Payroll Ending 06/19/09	4,016.77 811.36
09-1658	ICMA Retirement Corporation	001.6100.8101 001.0000.2601	Deferred Comp/Payroll Ending 06/19/09 Deferred Comp/Payroll Ending 06/19/09	325.00 1,219.80
	TOTAL			286,878.71


Void Check(s): 107581, 107587, 107608, 107609, 107610, 107611, 107612, 107613

July

Debit	Debit	Supershuttle	001.6100.7203	League of Cities Admin. Policy Comm. Mtg./Keane	32.52
Debit	Debit	John Wayne Airport Parking	001.6100.7203	League of Cities Admin. Policy Comm. Mtg./Keane	20.00
Debit	Debit	Southwest Airlines	001.6100.7203	League of Cities Admin. Policy Comm. Mtg./Keane	303.20
Debit	Debit	Players	001.6100.7203	Lunch/CERT Training/Keane, Macon	28.45
Debit	Debit	Fedex	001.6100.7223	Delivery Services	21.66
Debit	Debit	Papa John's	001.6100.7221	Lunch/RACES Drill	55.80
Debit	Debit	Office Max	001.6100.7221	Office Supplies	59.80

**7.1**  
**RITE AID SIGN PROGRAM/SP 547**

City of Laguna Woods  
Agenda Report

DATE: July 15, 2009 City Council Meeting  
TO: Mayor and City Councilmembers  
FROM: Leslie Keane, City Manager   
AGENDA ITEM: Rite Aid Sign Program, 24330 El Toro Road (SP 547)

---

**Recommendation**

- A. Receive Staff Report.
- B. Open Public Hearing.
- C. Receive Public Comment
- D. Close Public Hearing.
- E. Approve a resolution approving Sign Program 547 (Rite Aid), entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LAGUNA WOODS, CALIFORNIA  
APPROVING SIGN PROGRAM SP 547 FOR RITE  
AID

OR

- E. Approve a resolution denying approval of Sign Program 547  
(Rite Aid), entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LAGUNA WOODS, CALIFORNIA  
DENYING APPROVAL OF SIGN PROGRAM SP 547  
FOR RITE AID

## **Background**

Site development plans for the Rite Aid, located in the Stater Brothers/Home Depot shopping center, was approved by Orange County, prior to the City's incorporation, in January 1998. Building permits for the existing wall signs were issued by the county on January 22, 1999 and the permits were finalized on March 19, 1999. A Certificate of Occupancy for the Rite Aid was issued April 8, 1999.

## **Discussion**

Site Enhancement Services submitted Sign Program application (SP 547) on behalf of Rite Aid. The sign program application identifies removal of existing signs located above the building's primary entrance and replacement with similarly sized updated signs consistent with current Rite Aid branding. The existing signs are not consistent with the current Laguna Woods Zoning Code and are considered legal nonconforming; they are allowed to remain on the building, but cannot be modified unless they come into conformance with City regulations. The Zoning Code includes a sign program process that allows modification to sign regulations upon certain findings.

The applicant proposes to retain three existing wall signs (totaling 60 square feet) and an offsite monument sign, and to remove two existing 405 square foot awning signs and replace them with two new 405 square foot wall signs. One 30 square foot sign that currently exists is proposed to be removed and not replaced. The proposed signs are generally flush with the building except for the lower 30-inches (blue portion) which projects six-inches from the building façade. Although the frame of the existing and proposed wall signs is identical, the proposed text is slightly larger. Current City regulations, Zoning Code 13.20.050 (3), would allow a maximum total of 150 square feet of wall signage that could be divided between two frontages (only under certain circumstances) and no offsite sign. The proposed sign program totals 870 square feet, includes signage on three building frontages and leaves the offsite monument sign in place as legal non-conforming.

The Zoning Code recognizes that there may be circumstances that warrant additional business signage. The sign program process is designed to address this issue; however, there are specific findings that must be made and the

circumstances must be unique. In the past, the City has approved sign programs that grant more signage than allowed by the Code in circumstances where:

1. The proposed signage is consistent with other signage in the area; and
2. The proposed signage represents an aesthetic improvement over existing signage, and/or
3. The amount of signage permitted, while greater than allowed by Code, represents a reduction to an existing entitlement.

As noted above, signage approved by the County that does not meet current City regulations is considered legal non-conforming; it can be repaired, but cannot not be modified. Legal non-conforming signs may not be expanded, altered or remodeled without coming into conformance with current regulations. Approval of a sign program establishes new entitlements and permits sign repair and alteration within the scope of the new entitlement. For example – Rite Aid is unable to alter or remove and replace its awning signs because its existing signage is significantly more than allowed by Code. They could replace the awning with new awning of the same size and color with the same size text. If the City approves a sign program, it would make the number of the signs and the large square footage legal. Rite Aid could then modify and/or replace these signs as long as they stayed within the number and size of the new entitlements. In addition, nonconforming rights do not transfer to a new business. A sign program confers entitlements that are transferable.

Although the new signs represent an aesthetic improvement when compared to existing signs, staff believes that the proposed sign program is excessive – the proposal included the approval of five signs instead of the two allowed by the Code and it totals 870 square feet, rather than the 150 square feet allowed by the Code. This business also has an offsite monument which is not a part of the sign program. In addition, text on the two larger signs (405 square feet each) is increased in the proposal by 5 square feet per sign.

**It is staff's recommendation that the property owner be required to delete both 30 square foot wall signs and the two 15 square foot signs associated with the drive-thru pharmacy.** The drive-thru signs could be replaced with one or two small (less than six square feet) directional stake sign.

### **Advisory Committee Action**

The Land Use and Design Review Committee considered this matter at their July 8, 2009 meeting. Their discussion focused on the particular location of the building and the need for more than normal signage for visibility. In addition, the Committee discussed increased signage requests for other businesses in the City that have not been approved. Committee members also noted that there is diversity in Rite Aid signs in California and that some stores do function with smaller signage.

**The Committee voted 4-3 to recommend approval of the proposed sign program only if either the second 30 square foot wall sign or one of the drive-thru pharmacy signs is removed.**

Dissenting committee members believed that the existing and proposed signage is excessive and that site signage should be reduced substantially so that it was closer to the City's Municipal Code standards. They expressed concern about converting these signs from legal non-conforming to entitlement status.

### **Conclusion**

1. Approval of a resolution establishing the sign program recommended by staff would:
  - Allow replacement of the two 405 square foot wall signs, and
  - Require removal of two 30 square foot walls signs and two 15 square foot pharmacy drive-thru signs, and
  - Allow two small (six square feet or less) directional signs


This action would establish all signs with the exception of the monument sign as legally entitled.

2. Approval of a resolution establishing the sign program recommended by the Land Use and Design Review Committee (on a 4-3 vote) would:
  - Allow replacement of the two 405 square foot wall signs; and
  - Require removal of one 30 square foot wall sign; and

- Require removal of either one additional 30 square foot wall sign or one pharmacy drive-thru sign.

This action would establish all signs with the exception of the monument sign as legally entitled.

3. Approval of a resolution denying the approval of the signs program would maintain the existing signs as legal non-conforming signs.

Information provided by: Alex Gutierrez, City Planner 

Attachments: Resolutions (2)  
Applicant requested Sign Program

RESOLUTION NO. 09-XX

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LAGUNA WOODS, CALIFORNIA  
APPROVING SIGN PROGRAM SP 547 FOR RITE AID.

WHEREAS, the City Council of the City of Laguna Woods has considered Sign Program 547 for Rite Aid; filed by Site Enhancement Services, on behalf of Rite Aid; and

WHEREAS, the proposed project is categorically exempt from the requirements for the preparation of environmental documents under Section 15301 of the California Environmental Quality Act; and

WHEREAS, the public hearing has been advertised in the Laguna Woods Globe; and

WHEREAS, the City Council has reviewed and considered the information presented by the applicant, public testimony at the public hearing and staff report analysis, all of which are included in the public record and incorporated herein by reference; and

WHEREAS, the City Council makes the following findings subject to the conditions of approval:

1. The proposed use and project is consistent with the City of Laguna Woods General Plan; and
2. The use, activity or improvements proposed are consistent with the provisions of the City Zoning Code; and
3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act; and
4. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity; and
5. The approval of the sign program application will not result in conditions or circumstances contrary to the public health, safety and the general welfare; and
6. The approval of the sign program application is in compliance with all City required public facilities regulations.

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

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** Based on the application received, the proposed project is consistent with the following findings for site development permits and sign programs:

1. The proposed signs will enhance and harmonize with the site, building, and/or use being identified by the sign; and
2. The proposed signs will neither negatively impact the aesthetics of the subject site nor the surrounding properties; and
3. The proposed signs meet the intent and purpose of the sign code standards.

**SECTION 3.** Based on the information presented by the applicant, public testimony at the public hearing and staff report analysis, the City Council approves Sign Program SP 547 subject to the following conditions:

**PROJECT CONDITIONS**

1. This application (Sign Program SP 547) is issued for approval of replacement of the existing signs above the primary entrance for Rite Aid located at 24330 El Toro Road. The site signage shall conform to the project plans stamped approved on July 15, 2009. All applicable City standards and conditions shall be in place unless specifically superseded by the approved project plans and conditions of approval.
2. The applicant, or successor in interest, shall abide by and faithfully comply with any and all conditions of this permit. Failure to comply with the conditions of this permit constitutes grounds for revocation of said permit by the City of Laguna Woods City Council.
3. The applicant, or successor in interest, shall agree, as a condition of issuance of this permit, to at its sole expense, defend, indemnify, and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attach, set aside, void or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The applicant shall pay the City's defense costs and shall reimburse the City for court costs and attorney

fees that the City may be required by a court to pay as a result of such defense. The applicant may at its sole discretion participate in the defense or any such action under this condition.

4. The permit is granted for the property as described in the application and shall not be transferable from one parcel to another.
5. This permit shall become null and void within 24 months from the date of its issuance, unless the proposed development or use has been diligently pursued. The issuance of a grading, foundation, or building permit for structural construction shall be a minimum requirement for evidence of diligent pursuit.
6. The construction or use, by the applicant or successor in interest, of any structure or activity authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The applicant by said acceptance waives any challenge as to the validity of these conditions.
7. Any covenants, conditions, and restrictions (CC&R's) applicable to the subject property shall be consistent with the terms of this permit and the Laguna Woods Municipal Code. Where a conflict exists between the CC&R's and City regulations, the City regulations shall prevail.
8. The applicant, or successors in interest, shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
9. The applicant, or successors in interest, shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.

#### PLANNING STANDARD CONDITIONS

10. This approval constitutes approval of the project only to the extent that it complies with the City Zoning Code and any other applicable City standards. Approval does not eliminate the need for building permits or include any action or finding as to compliance or approval.
11. Except as otherwise provided herein, this permit is approved for the location and design of the uses, structures, features, and materials shown on the approved plans. After an application has been approved, a change plan may be submitted to the City's Community Development Director for any relocation, alteration, or addition to any

use, structure, feature, or material not specifically approved in the original application. If the Community Development Director determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the changed plan as for the approved plot plan, they may approve the changed plan without requiring a new public hearing.

12. A building permit, with property owner approval, shall be obtained for the installation of signs covered under this sign program.
13. The site must be maintained free of trash, debris and refuse; all graffiti must be removed within 72 hours from the time of discovery.

#### STORMWATER CONDITIONS

14. The applicant, or successor in interest, shall take all necessary steps to prevent construction and all other non-stormwater waste from entering the storm drain system. This may include structural BMPs (best management practices) such as gravel bags around storm drains, sweeping instead of washing down construction areas and the proper handling and disposal of construction materials.
15. The City retains the right to inspect the premises for compliance with the City's storm water programs and NPDES permit requirements.

PASSED, APPROVED AND ADOPTED ON THE \_\_\_\_ DAY OF JUNE 2009.

---

ROBERT B. RING, Mayor

ATTEST:

---

YOLIE TRIPPY, Deputy City Clerk

RESOLUTION NO. 09-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DENYING APPROVAL OF SIGN PROGRAM SP 547 FOR RITE AID.

WHEREAS, the City Council of the City of Laguna Woods has considered Sign Program 547 for Rite Aid; filed by Site Enhancement Services, on behalf of Rite Aid; and

WHEREAS, denial of the proposed project is categorically exempt from the requirements for the preparation of environmental documents under Section 15301 of the California Environmental Quality Act; and

WHEREAS, the public hearing has been advertised in the Laguna Woods Globe; and

WHEREAS, the City Council has reviewed and considered the information presented by the applicant, public testimony at the public hearing and staff report analysis, all of which are included in the public record and incorporated herein by reference; and

WHEREAS, the City Council makes the following findings:

1. The use, activity or improvements proposed are not consistent with the provisions of the City Zoning Code; and
2. The location, size, design and operating characteristics of the proposed use will create conditions or situations that will be incompatible with other permitted uses in the vicinity; and
3. The approval of the sign program application is not in compliance with all City required regulations.

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

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** Based on the application received, the proposed project is consistent with the following findings for site development permits and sign programs:

1. The proposed signs will not enhance and harmonize with the site, building, and/or use being identified by the sign; and
2. The proposed signs will negatively impact the aesthetics of the subject site and the surrounding properties; and
3. The proposed signs are not consistent with the intent and purpose of the sign code standards.

**SECTION 3.** Based on the information presented by the applicant, public testimony at the public hearing and staff report analysis, the City Council denies Sign Program SP 547.

PASSED, APPROVED AND ADOPTED ON THE \_\_\_ DAY OF JUNE 2009.

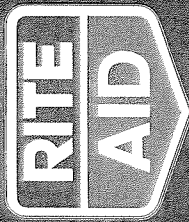
---

ROBERT B. RING, Mayor

ATTEST:

---

YOLIE TRIPPY, Deputy City Clerk

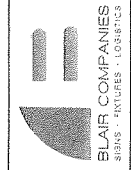


PHARMACY



Laguna Woods, CA  
Submittal

Date Created	3-11-09	Revision Date	7-1-09
Street Address	24330 El Toro Road		
City, ST	Laguna Woods, CA 92637		



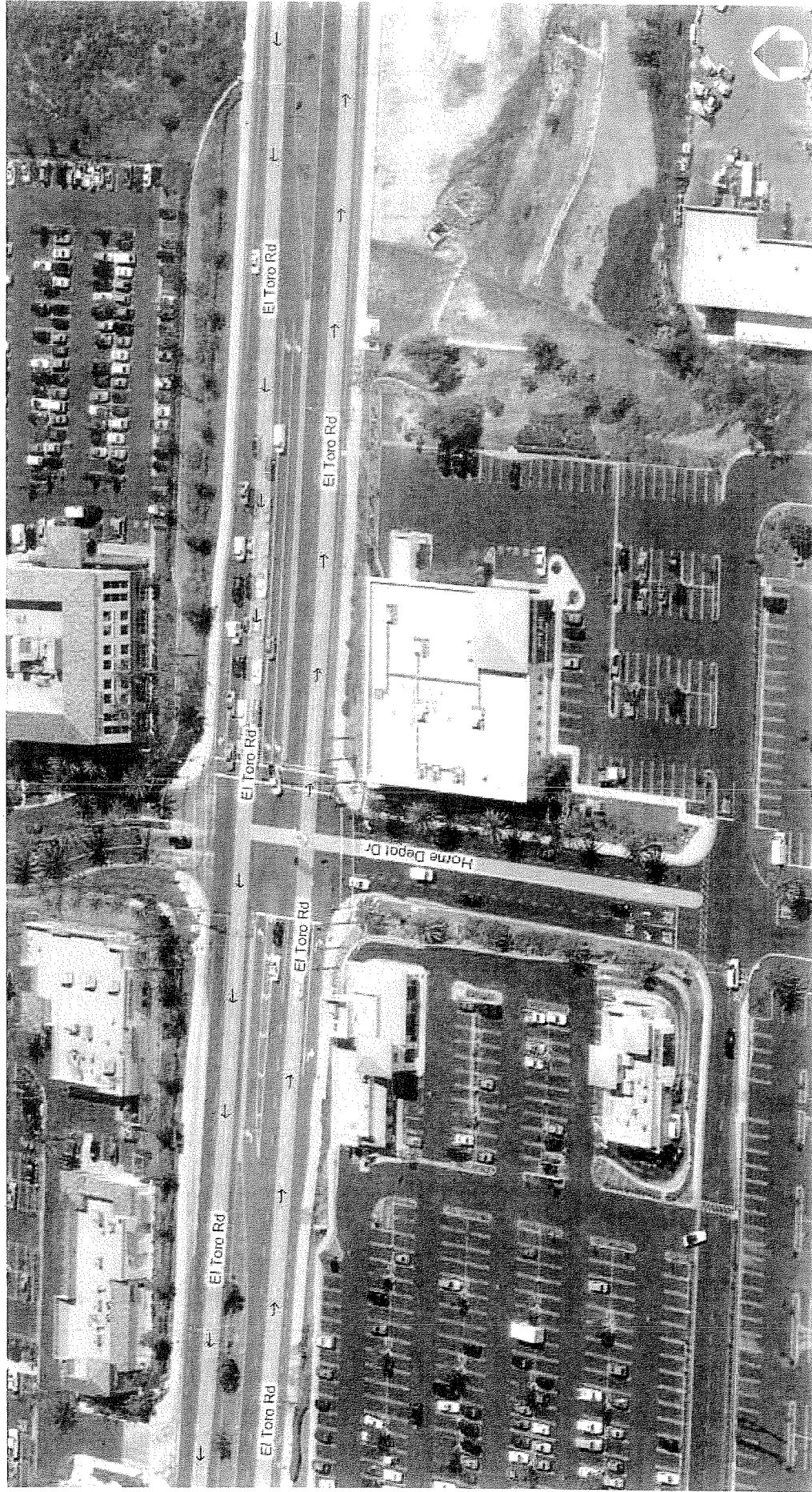
5107 Kissell Avenue  
Allentown, PA 18601  
814.949.8287

This original design is the sole property of the Blair Companies. It cannot be reproduced, copied or exhibited in whole or part, without first obtaining written consent from the Blair Companies.



RITE AID

**AERIAL PHOTOGRAPH**



Date Created | 3-11-09 | Revision Date | 7-1-09

Street Address | 24330 El Toro Road

City, ST | Laguna Woods, CA 92637



5107 Kisseloff Avenue  
Alloona, PA 16601  
814.949.8287

This original design is the sole property of the Blair Companies. It cannot be reproduced, copied or exchanged in whole or part without first obtaining written consent from the Blair Companies.



**RITE AID**

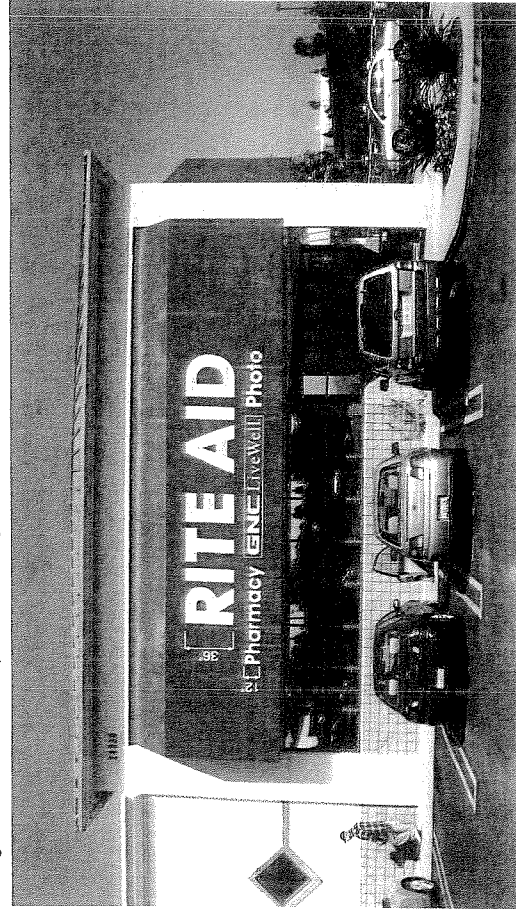


# BUILDING ELEVATION

Sign #	Description
1	30" Channel Letters w/ 38" Shield
2	30" Channel Letters w/ 38" Shield
3	20" Reverse Pan Channel Pharmacy Letters
4	20" Reverse Pan Channel Pharmacy Letters
5	11" Drive Thru Push Through Letters

Sign #	Description
6	11" Photo Center Push Through Letters
7	11" Food Mart Push Through Letters
8	11" Drive Thru Push Through Letters
9	11" Photo Center Push Through Letters
10	11" Food Mart Push Through Letters

Existing South Elevation - 405 Square Foot Awning, Illuminated



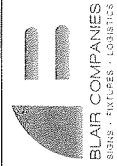
Proposed South Elevation



Date Created 3-11-09  
 Street Address 24330 El Toro Road  
 City, ST Laguna Woods, CA 92637

Revision Date 7-1-09

3 of 11



5107 Kissell Avenue  
 Altoona, PA 16601  
 814-949-8287

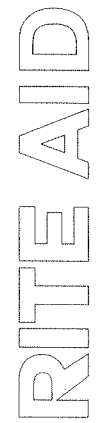
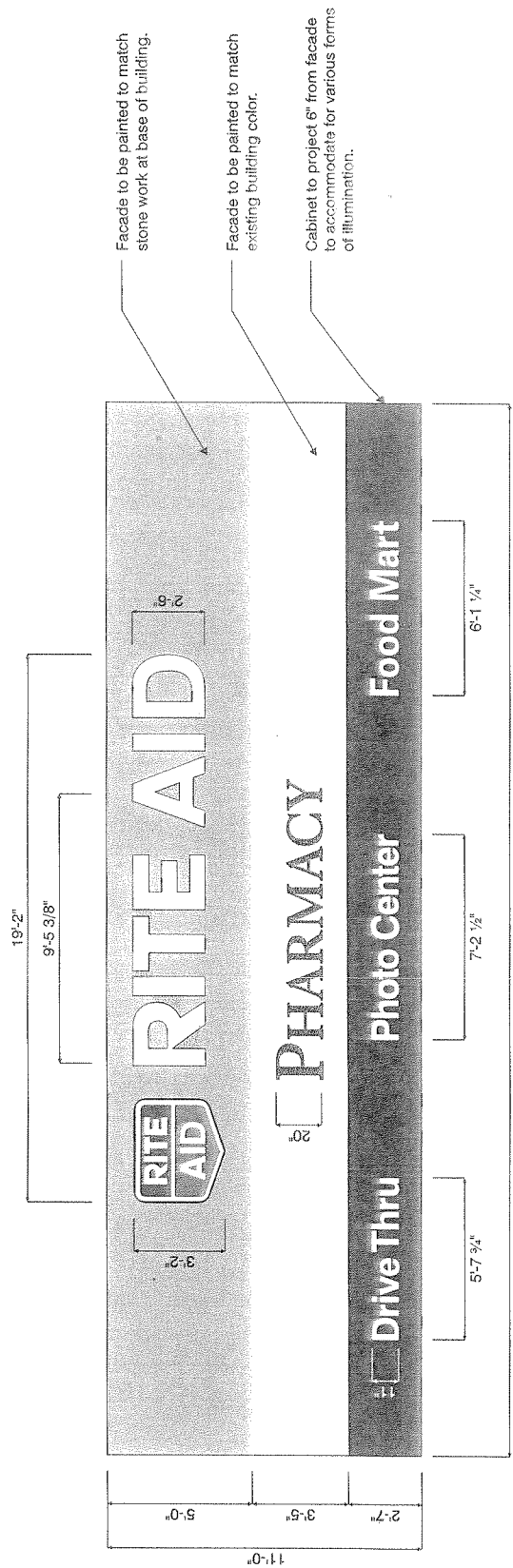
This original design is the sole property of the Blair Companies. It cannot be reproduced, copied or exhibited, in whole or part, without first obtaining written consent from the Blair Companies.



# RITE AID



ELEVATION DETAIL



This original design is the sole property of the Blair Companies. It cannot be reproduced, copied or exhibited, in whole or part, without first obtaining written consent from the Blair Companies.

5107 Kissell Avenue  
 Altoona, PA 16601  
 814.949.8287



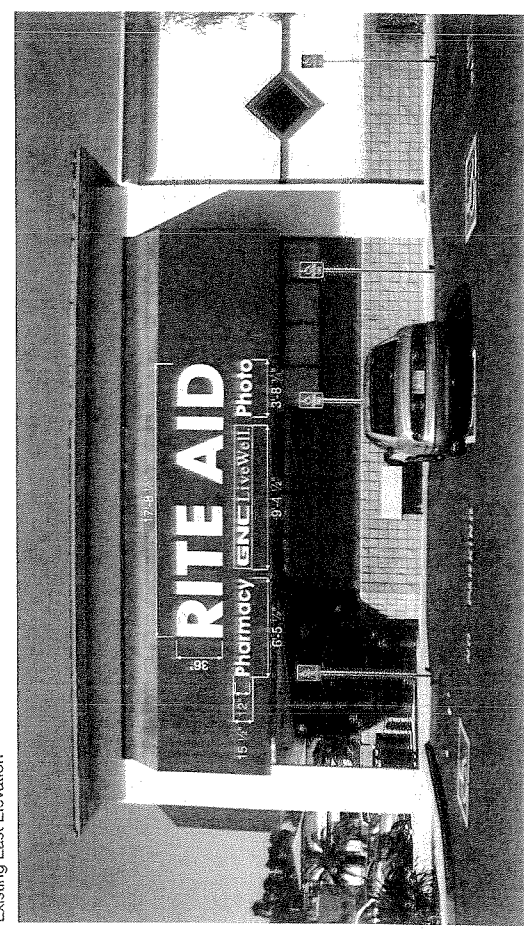
Date Created	3-11-09	Revision Date	7-1-09
Street Address	24330 El Toro Road		
City, ST	Laguna Woods, CA 92637		



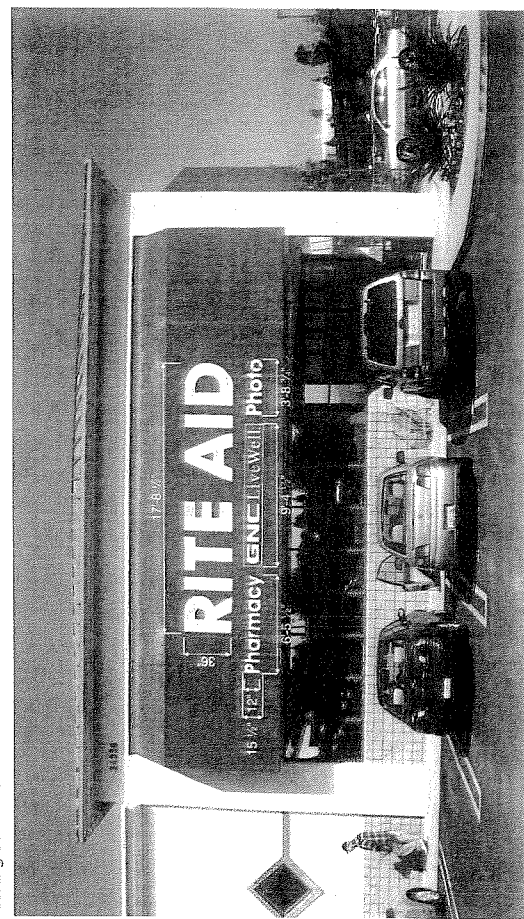
### OVERALL EXISTING SIGNAGE

Rite Aid: 53.13 Square Feet      Single Elevation: 75.39 Square Feet  
 Pharmacy: 6.46 Square Feet      Both Elevations: 150.78 Square Feet  
 GNC Live Well: 12.11 Square Feet  
 Photo: 3.69 Square Feet

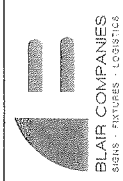
Existing East Elevation



Existing South Elevation



Date Created	3-11-09	Revision Date	7-1-09
Street Address	24330 El Toro Road		
City, ST	Laguna Woods, CA 92637		
<b>9 of 11</b>			



5107 Kissell Avenue  
 Alltoona, PA 16601  
 814.949.8287

This original design is the sole property of the Blair Companies. It cannot be reproduced, copied or exhibited, in whole or part, without first obtaining written consent from the Blair Companies.



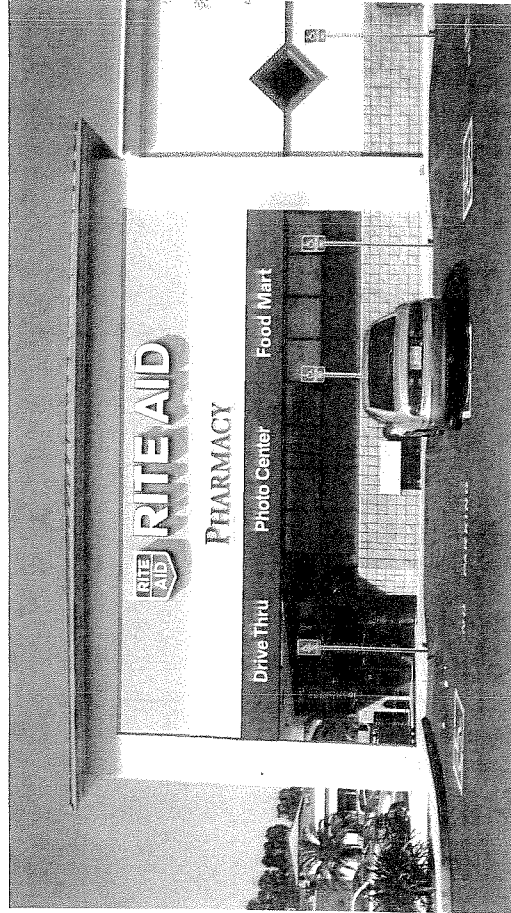
# RITE AID



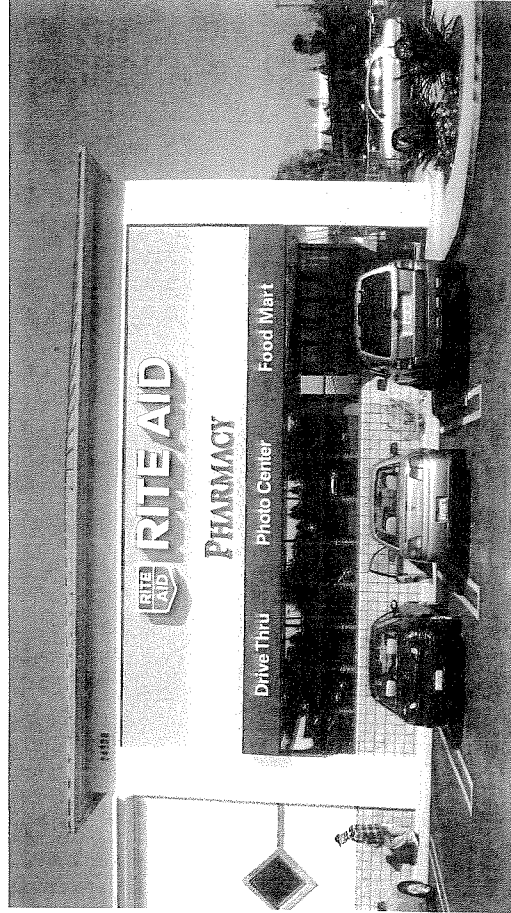
### OVERALL PROPOSED SIGNAGE

Shield: 11.45 Square Feet      Single Elevation: 82.3 Square Feet  
 Rite Aid: 35.89 Square Feet      Both Elevations: 164.6 Square Feet  
 Pharmacy: 17.57 Square Feet  
 Drive Thru: 5.18 Square Feet      13.82 Square Feet More Than Existing  
 Photo Center: 6.61 Square Feet      Sign D on the following page to be removed  
 Food Mart: 5.60 Square Feet      to compensate for square footage increase.

Proposed East Elevation



Proposed South Elevation



Date Created	3-11-09	Revision Date	7-1-09
Street Address	24330 El Toro Road		
City, ST	Laguna Woods, CA 92637		



5107 Kissell Avenue  
 Allcoona, PA 16601  
 814.949.8267

This original design is the sole property of the Blair Companies, it cannot be reprinted, copied or exhibited, in whole or part, without first obtaining written consent from the Blair Companies.

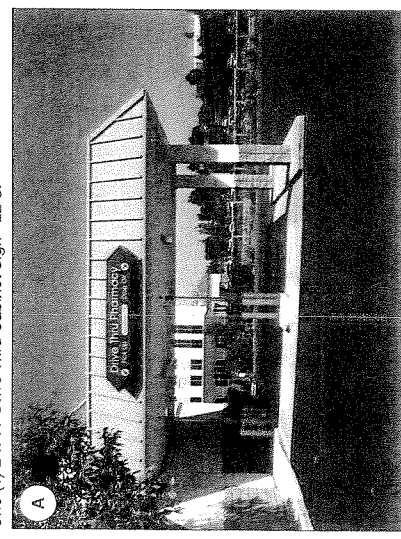


# RITE AID

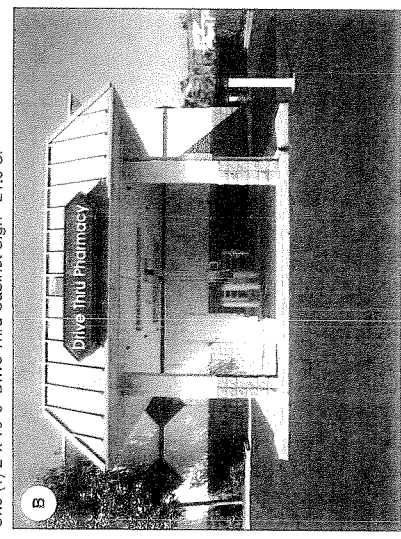


**EXISTING SIGNAGE TO REMAIN**

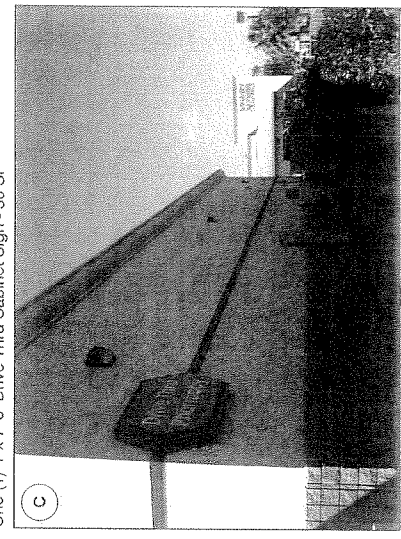
One (1) 2' x 11' Drive Thru Cabinet Sign - 22 SF



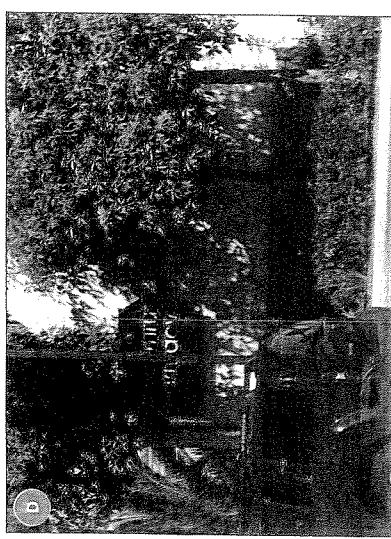
One (1) 2' x 10'-9" Drive Thru Cabinet Sign - 21.5 SF



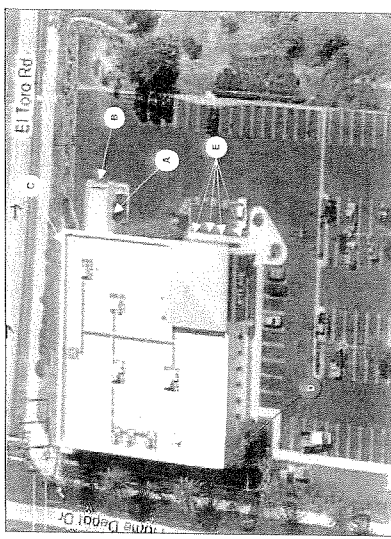
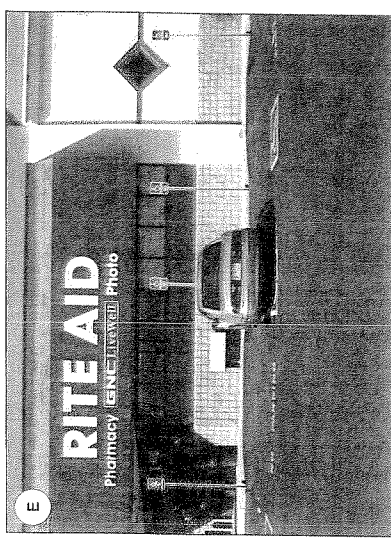
One (1) 4' x 7'-6" Drive Thru Cabinet Sign - 30 SF



One (1) 4' x 7'-6" Drive Thru Cabinet Sign - 30 SF



Four (4) 18" x 12" Handicap Parking Signs - 6 SF (1.5 SF each)



Sign to be removed to compensate square footage.

Date Created	3-11-09	Revision Date	7-1-09
Street Address	24330 El Toro Road		
City, ST	Laguna Woods, CA 92637		



5107 Kissell Avenue  
Allentown, PA 18601  
814-949-8287

This original design is the sole property of the Blair Companies, it cannot be reproduced, copied or exhibited, in whole or part, without first obtaining written consent from the Blair Companies.



**RITE AID**

**8.1**  
**LEAGUE OF CALIFORNIA CITIES**  
**LITIGATION REGARDING STATE BUDGET**

**RESOLUTION NO. 09-xx****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, SUPPORTING PROPOSED LEAGUE OF CALIFORNIA CITIES LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY DIVERSION OF HIGHWAY USERS TAXES**

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and caused them to make painful budget cuts, including decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; and

WHEREAS, since the early 1990s the state government of California has re-appropriated over \$10 billion of city property tax revenues statewide, now amounting to over \$900 million each year, to fund the state budget even after deducting public safety program payments to cities by the state; and

WHEREAS, in his FY 2009-10 budget the Governor has proposed transferring \$1 billion of local gas taxes and weight fees to the state general fund to balance the state budget, and over \$700 million in local gas taxes permanently in future years, immediately jeopardizing the ability to maintain cities' streets, bridges, traffic signals, streetlights, sidewalks and related traffic safety facilities for the use of the motoring public; and

WHEREAS, the loss of almost all of the gas tax funds will seriously compromise the ability to perform critical traffic safety related street maintenance, including, but not limited to, drastically curtailing patching, resurfacing, street lighting/traffic signal maintenance, payment of electricity costs for street lights and signals, and sidewalk and curb ramp maintenance and repair; and

WHEREAS, in both Proposition 5 in 1974 and Proposition 2 in 1998 the voters of our state overwhelmingly imposed restriction on the state's ability to do what the Governor has proposed, and any effort to permanently divert the local share of the gas tax would violate the state constitution and the will of the voters; and

WHEREAS, cities and counties maintain 81% of the state road network while the state directly maintains just 8%; and

WHEREAS, ongoing street maintenance is a significant public safety concern. A city's failure to maintain its street pavement (potholes filling, sealing, overlays, etc.), traffic signals, signs, and street lights has a direct correlation to traffic accidents, injuries and deaths; and

WHEREAS, according to a recent statewide needs assessment<sup>1</sup>, on a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68, or "at risk".

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Laguna Woods hereby supports litigation against the state of California if the legislature enacts and the governor signs into law legislation that diverts the city's share of funding from the Highway Users Tax Account (HUTA), also known as the "gas tax", to fund the state general fund; and

RESOLVED FURTHER, that a copy of this Resolution shall be sent to the Governor, state legislators, the local chamber of commerce, and other community groups whose members may be affected by the proposal to divert local government funds.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of July 2009.

---

ROBERT B. RING, Mayor


ATTEST:

---

YOLIE TRIPPY, Deputy City Clerk

**9.1**  
**TEMPORARY SIGNS**

City of Laguna Woods  
Agenda Report

DATE: July 15, 2009 City Council Meeting  
TO: Honorable Mayor and City Councilmembers  
FROM: Leslie Keane, City Manager   
AGENDA ITEM: Modifications to Temporary Sign Regulations

---

**Recommendation**

Approve introduction and first reading of an ordinance modifying temporary sign regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, AMENDING CHAPTER 13.20 OF THE LAGUNA  
WOODS MUNICIPAL CODE PERTAINING TO SIGN  
REGULATIONS

**Background**

The City's Zoning Code contains regulations for temporary signage that were adopted in 2003.

**Discussion**

Staff is proposing the following changes to current temporary signage regulations:

1. Addition of general regulations clarifying that temporary signs cannot resemble traffic signs, may not be illuminated, may not be located in public rights of way or on public property, and require property owner permission.
2. Clarification that construction signs must be located on site.

3. Clarification that real estate signs must be on site, with the exception of multifamily residential projects where signs may be located in common area property associated with the project, with the exception of pedestrian or vehicular access areas. Signs text is restricted to information regarding the sale or lease of the property.
4. Addition of a section allowing open house signs in residential zoning districts.
5. Clarification that banner signs are allowed in residential districts.
6. Increase in the number of days a banner sign may be in place – the proposal reduces the maxim permit duration from 60 to 30 days per sign, but increase the annual limit from 60 to 120 days.
7. Addition of a provision allowing no fee one week banners for non-profit organizations.
8. Elimination of the section permitting small decorative flags at real estate and residential facilities.
9. Addition of a section allowing free standing flag poles.
10. Clarification of the location of sandwich board signs and restriction of use to commercial districts.

The proposed ordinance would revise the text of Section (b) Temporary signs of Chapter 13.20 of the Municipal Code. The proposal does not contain revisions to prohibited signs, such as offsite signs or small staked signs, nor does it modify political or promotional sign regulations.

#### **Advisory Committee Action**

The Land Use and Design Review Committee discussed this proposal at their June and July meetings, and voted unanimously on July 8, 2009 to recommend approval of the proposed modifications.

#### **Fiscal Impact**

None; current city fees cover the costs of processing temporary sign permits.

**Conclusion**

If introduction and first reading is approved by the City Council, a public hearing and action on the proposal would be scheduled for the August 19, 2009 City Council meeting, with implementation at the end of September.

Attachment: Ordinance

**ORDINANCE NO. 09-xx**

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,  
AMENDING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL  
CODE PERTAINING TO SIGN REGULATIONS

**THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES  
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Section 13.20.050 (b) *Temporary Signs* of the Laguna Woods  
Municipal Code is hereby amended in its entirety to read as follows:

Sec. 13.20.050. Permitted signs

(b) *Temporary signs.*

(1) All temporary signs shall be subject to the following:

a. No sign shall simulate or imitate in size, color, lettering, or design any traffic sign or signal, or which makes use of the words, "Stop," "Look," or "Danger," or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.

b. No illumination shall be provided.

c. Temporary signs may not be located in, or extend into, any public right-of-way, nor be attached to fire hydrants, traffic signals, streetlights or utility poles, nor placed in any area that may otherwise inhibit or interfere with vehicular or pedestrian traffic.

d. Nothing in this subsection is intended to permit the installation of signs without permission of the property owner.

(2) *Construction signs.* One construction sign shall be permitted on any building site, during the period of construction, subject to the following conditions:

a. The sign must be located within the construction site parcel; the location shall not obstruct vehicular sight distance or be detrimental to surrounding properties.

- b. The sign may not be internally or externally illuminated.
- c. The area of the sign shall not exceed:
  - 1. Where located in a residential district, the sign area shall not exceed:
    - (i) Four (4) or less units per building site: Six square feet.
    - (ii) Five (5) or more units per building site: Thirty-two square feet.
  - 2. *Nonresidential*. Thirty-two square feet.
- d. The sign may remain for a term not to exceed one year, and shall be completely removed prior to final building inspection. This period may be extended by the Community Development Director is active construction is ongoing.

(3) *Real estate signs*. In any area, one free standing real estate sign shall be permitted on any building site, subject to the following conditions:

- a. The copy of these signs shall be limited to information relating to the sale, lease or rental of the premises on which the sign is located. These signs shall be removed upon the close of escrow or when lease or rental of all units has been accomplished.
- b. The sign must be located on the site being sold or leased; in the case of a multifamily residential building or a shopping center, the sign may be located on common area property within the larger site as long as it does not occupy any pedestrian or vehicular access.
- c. The area of the sign shall not exceed:
  - 1. *Residential*.
    - (i) Four (4) or less units per building site: Six square feet.
    - (ii) Five (5) or more units per building site: Thirty-two square feet.
  - 2. *Nonresidential*. Thirty-two square feet.

(4) *Open house signs in residential districts.* Open house signs are allowed within residential districts between the hours of dawn to dusk, and only while the open house is in progress. The copy of open house signs shall be limited to information relating to the sale, lease or rental of the premises, hours the home is open for view and/or directions to the property. Each sign shall be firmly affixed to a support stake and shall not exceed four square feet in total area. Signs may be displayed during the time of the open house but shall not exceed the period between dawn and dusk daily.

- a. Open house signs associated with residential units located in a common interest development shall be limited to three signs per unit and may be placed on site or in common area associated with the property, subject to the regulations of the common interest development.
- b. In the case of a single family residence, signs shall be limited to one sign per property and shall be restricted to the property.
- c. Real Estate or open house signage displayed in a window of a residential unit shall be exempt from the provisions of this section, but shall not exceed 25 percent of any window in which they are placed.

(5) *Banner signs.*

- a. Banner signs shall be allowed in commercial districts and on multifamily residential projects that exceed five or more units per building.
- b. Banner signs shall be allowed to be attached flush to a building or store front.
- c. Individual tenant, business or residential facility banner signs shall not exceed the following:
  1. For buildings with frontages with 25 linear feet or less, a 25 square-foot maximum sign area is allowed.
  2. For buildings with frontages with more than 25 linear feet, one square foot of signage per linear foot of frontage is allowed up to a maximum of 100 square feet.

3. For purposes of this section, building frontage shall be defined as the linear width of the building and/or business that includes its primary, public entrance.

d. Each building/business shall be allowed to display only one banner sign per frontage.

e. Each building/business may be granted a permit to display an on-site banner, for a maximum of one hundred and twenty (120) days within a twelve (12) month aggregate period. Time can be used in any multiple of consecutive days, not exceeding 30 days per event/occasion. Multiple banners displayed consecutively shall count against the total limit of days.

f. In the case of center or plaza events, the maximum banner sign size for individual participants is 25 square feet. A common center or plaza event identification shall not exceed 100 square feet. If the special activity includes multiple tenants of a commercial center or plaza, all signs and banners should be of a similar size, color or lettering style.

g. A banner sign permit is required and may be obtained from the Community Development Department based on a fee in accordance with the City's fee schedule.

h. Nonprofit Community Service Organization Special Event Signs. Subject to a written request and permission of the property owner, a no-fee permit for a temporary banner may be granted by the Director for a one week period or less, to certified nonprofit community service organizations, for an event which will benefit the community, or general public.

(6) *Commercial Center decorative banners.* In addition to the foregoing regulations, the following requirements apply to commercial center decorative banners, flags and pennants attached to light standards in commercial center parking areas. Such signs are exempt from the 120-day cumulative day time limits applicable to banner signs affixed to buildings. Commercial center decorative banner signs shall be:

a. A maximum of 30 inches wide and 60 inches long, but may be required to be smaller to achieve an aesthetic proportion or to avoid blocking of views;

- b. Bottom of sign shall be mounted a minimum of ten feet above grade;
- c. May not have any wording, lettering or logos with the exception of:
  - 1. the name and logo of the center, consistent with an approved sign program; or
  - 2. a design and wording relating to a special or seasonal event.

Such signs must be approved by the Director or his/her designee (with signed authorization for such from the owner or owners of the affected shopping center). The Director or his/her designee may exercise discretion in the application of the above standards so long as the intent of the restrictions is met and that public safety is protected.

(7) *Free standing flag poles.*

- a. Free standing flag poles shall be permitted in the following zones:
  - (1) Open Space recreational - not exceeding 35'
  - (2) Neighborhood commercial – not exceeding 35'
  - (3) Highway Commercial – not exceeding 35'
  - (4) Professional and Administrative Offices – not exceeding 35'
  - (5) Community Commercial – not exceeding building height or 50', whichever is less
  - (6) Residential multifamily – not exceeding building height or 50', whichever is less
- b. A maximum of two free standing poles and three flags shall be allowed on any single development site. For the purpose of this section, a shopping center, mall, business park, recreational facility and multi-building residential development shall be considered a single development site.
- c. Flags allowed shall be defined as fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used to denote nations, government subdivisions, educational institution, or noncommercial organizations. Flags may not contain text other than the name of the organization, its incorporation date and/or motto.

(8) *Sandwich board and A-frame signs.* Sandwich-board and A-frame signs shall be permitted in commercial districts only and are subject to a one time permit fee per sign. If a previously sign is removed for a duration greater than 90 cumulative days, a new permit and fee shall be required to reestablish such sign. Signage is intended to be for the temporary advertisement or promotion of special events, sales, offerings, etc., which are of a limited duration. Such signs must be:

- a. A maximum height of 48 inches and 24 inches wide including supports. Width at base should be 30 inches or as necessary to provide a firm and sturdy base. A chain or midpoint cross-member shall be in place to strengthen the sign;
- b. Constructed of wood or metal, painted to match adjacent building;
- c. Maximum of one sign per business at any one time;
- d. Signs shall be placed located against the building frontage, adjacent to the entryway. There shall be a minimum of five (5) feet clearance and accessible space between the sign and the curb or any columns, planter, bench or other similar features;
- e. May only be in place during open business hours of the applicant business;
- f. May not be placed in landscaped areas; and
- g. May not obstruct parking spaces.

Sandwich-board signs must be approved by the Director or his/her designee, who may exercise discretion in the application of the above standards so long as the intent of the restrictions are met and that public safety is protected.

(9) *Window signage in commercial districts.*

- a. Both permanent and temporary window signage shall be limited to a maximum of 20 percent of the window area. Permanent window signage may be displayed up to 365 calendar days per year. Temporary window signage advertising sales or special events shall be removed every 30 calendar days and may not exceed the 20 percent coverage standard.

b. Temporary neon signs (plug-in, nonstructural), such as open signs, shall be permitted as part of the total allowable window signage, not to exceed a total of six square feet in size or 20 percent of the window coverage whichever is less.

SECTION 2. City Clerk's Certification.

The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_ 2009.

\_\_\_\_\_  
Robert B. Ring, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
STEPHEN A. MCEWEN, 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. 09-\*** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the \*\*\* of \*\*\*\* 2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the \_\_\_\_ day of \_\_\_\_, 2009 by the following vote to wit:

AYES:       COUNCILMEMBERS:  
NOES:       COUNCILMEMBERS:  
ABSENT:     COUNCILMEMBERS:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

**9.2**  
**MESSAGE BUSINESS REGULATIONS**

**City of Laguna Woods  
Agenda Report**

**FOR:** July 15, 2009 City Council Meeting  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Leslie A. Keane, City Manager   
**AGENDA ITEM:** Massage Business Regulations

---

**Recommendation**

Approve the introduction and first reading of an ordinance amending the City's massage regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,  
AMENDING CHAPTER 6.40 OF THE LAGUNA WOODS MUNICIPAL  
CODE PERTAINING TO MASSAGE REGULATIONS

**Background**

In 2004, the City Council adopted an ordinance that added Chapter 6.40 "Massage Business Regulations" to the Municipal Code. The purpose of the ordinance was to regulate massage establishments and individuals involved in providing massage services in a manner to reduce the potential for illegal activity and physical injury. Regulations included licensing, training, and operational standards.

In 2008, Senate Bill 731 was chaptered into State law. It establishes a voluntary, statewide certification program for individuals engaged in the practice of massage therapy. When the certification program becomes operational on September 1, 2009, cities will be unable to regulate certified individuals, with certain exceptions. Therefore, it is necessary to amend the City's massage regulations.

**Discussion**

Currently, the City's massage regulations include licensing options for individuals and establishments. Rather than offer competing licenses, staff is recommending

## ITEM 9.2

that the existing massage practitioner and massage technician licensing options be eliminated and replaced with a requirement that all individuals who engage in the practice of massage therapy in Laguna Woods hold valid State certificates. The requirements for the State certificates are substantially consistent with the intent of the City's regulations and include fingerprinting and criminal background checks. Exemptions are provided for certain professionals who are licensed by the State, while performing activities encompassed by such licenses, and individuals working in conjunction with one or two day athletic events.

Staff is also recommending that the requirement for massage establishments to obtain a business license be eliminated in consideration of the requirement that all individuals who are employed or retained by the establishment for the purpose of engaging in the practice of massage therapy must hold valid State certificates. The current business license requirement submits the owner of the establishment to additional scrutiny, including fingerprinting, a background check, requirements to notify the City of changes in business interests, and application and renewal fees; which the majority of other local business are not subject to, and which clash with the intent of the new State law to recognize certified massage professionals as engaging in a legitimate business. By requiring each of the massage workers to obtain State certificates and, thus, undergo background checks and demonstrate appropriate qualifications, there is a reasonable presumption that the establishment will function responsibly and in accordance with all applicable laws.

Staff is further recommending that the City's existing regulations related to operations requirements and inspection by government officials remain intact, with additional modifications throughout for consistency, clarity, and legal compliance. Existing facility, signage, and dress code requirements that extend beyond what is required for other businesses are omitted from the proposed ordinance. Alcohol is prohibited at massage establishments under the existing regulations, however staff is recommending that the prohibition be replaced with a provision that would allow for the issuance of a conditional use permit.

There is no City application proposed for individuals who hold State certificates, however, they would be required to file valid proof with the City. Establishments would additionally be required to maintain proof of certification on the premises for all individuals employed or retained to practice massage therapy.

The proposed ordinance would become effective thirty days after adoption, and those currently licensed by the City would be permitted to continue operating until their license expires, at which point they would be required to hold valid State

certificates. At this time, there are no active massage therapist licenses or businesses or applications pending. All other individuals and establishments would have sixty days from the effective date to demonstrate compliance and file such proof with the City.

**Land Use & Design Review Committee**


The Land Use & Design Review Committee discussed this item at their meeting on July 8, 2009. They unanimously voted to recommend that the City Council amend the City's massage business regulations, as proposed. They further recommended that the existing limit on an establishment's hours of operation (7 a.m. – 9 p.m.) be eliminated. That change is reflected in the proposed ordinance.

**Fiscal Impact**

None. While the existing application fees would be eliminated, there are currently no active licenses and the fees are only used to offset staff-time and reimburse the Orange County Sheriff's Department for fingerprinting services.

**Conclusion**

State law invalidates a portion of the City's existing massage business regulations. With the modifications described herein, the City's regulations will continue to comply with State law and act in furtherance of public health and safety.

Report prepared by: Chris Macon, Special Projects Manager 

Attachment: Proposed Ordinance

**ORDINANCE NO. 09-TBD**

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,  
AMENDING CHAPTER 6.40 OF THE LAGUNA WOODS MUNICIPAL  
CODE PERTAINING TO MASSAGE REGULATIONS

**WHEREAS**, the provisions of the Laguna Woods Municipal Code that relate to the practice of massage therapy were last updated in 2004; and

**WHEREAS**, California State Senate Bill 731, which is effective September 1, 2009, revised Business and Professions Code sections 4600 et seq. and modified cities' ability to regulate the practice of massage therapy; and

**WHEREAS**, the City of Laguna Woods intends to provide for the orderly regulation of the practice of massage therapy, in the interest of public health, safety, and welfare, and wishes to recognize the practice of massage therapy as a valid profession and discourage the use of massage therapy as a subterfuge to commit illegal or illicit activity; and

**WHEREAS**, the City of Laguna Woods intends to modify its massage therapy regulations so that they are consistent with Senate Bill 731; and

**WHEREAS**, the City of Laguna Woods is authorized to adopt this ordinance pursuant to Sections 51030 through 51034 of the California Government Code, Sections 4600 through 4620 and Section 16000 of the California Business & Professions Code, and Section 7 of Article XI of the California Constitution.

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

**SECTION 1.**      **Findings**

The City Council hereby incorporates the foregoing recitals and findings.

**SECTION 2.**      **Repeal of Existing Regulations**

Chapter 6.40, entitled Massage Business Regulations, is hereby repealed from Title 6 (Businesses) of the Laguna Woods Municipal Code.

**SECTION 3.**      **Adoption of Massage Therapy Regulations**

Chapter 6.40, entitled Massage Therapy Regulations, is hereby added to Title 6 (Businesses) of the Laguna Woods Municipal Code as follows:

**CHAPTER 6.40. MASSAGE THERAPY REGULATIONS**

- 6.40.010. Purpose.
- 6.40.020. Definitions.
- 6.40.030. Licensing requirements.
- 6.40.040. Exemptions.
- 6.40.050. Display and filing of license.
- 6.40.060. Operations requirements.
- 6.40.070. Inspection by government officials.

**6.40.010. Purpose.**

The purpose of this chapter is to establish regulations for the massage therapy profession that are reasonable and necessary to protect public health and safety and reduce the potential for illegal and illicit activity within the City of Laguna Woods. This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any State or other local laws.

**6.40.020. Definitions.**

For the purposes of this chapter, the following terms are defined:

- (05) *City* means the City of Laguna Woods.
- (10) *City Manager* means the City Manager of the City of Laguna Woods or his or her designee.
- (15) *Employed or retained* includes any person who is an employee, trainee, volunteer, or independent contractor of a massage business or establishment, regardless of whether or not compensation is paid.
- (20) *Massage, massage therapy, and bodywork* are used interchangeably in this chapter and mean the application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, or stroking, kneading, rubbing, tapping, compressing, pounding, vibrating, rocking or stimulating of external surfaces of the body with hands or with the aid of any apparatus or other appliances or

devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations for any consideration whatsoever. Specifically excluded are spiritual healing, detoxification, hypnosis, colonic irrigation, yoga, vacuum cupping, exercise, or procedures which penetrate body cavities by any method.

(25) *Massage business or establishment* means any business or establishment with a fixed location that offers massage therapy or a combination of massage therapy and bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, plunges, saunas, pools and hot tubs. Any public bathing place where there is communal bathing or communal use of bath facilities at a fixed location where massage therapy is also performed shall be considered a massage business or establishment under this chapter.

(30) *MTO certificate* means the certificate issued by the Massage Therapy Organization (MTO) to massage therapists pursuant to subdivision (c) of Section 4601 of the California Business and Professions Code, and to massage practitioners pursuant to subdivision (b) of Section 4601 of the California Business and Professions Code or subdivision (a) or (c) of Section 4604 of the California Business and Professions Code.

(35) *Person* means any individual, proprietorship, partnership, corporation, firm, association, joint venture, limited liability company, combination of individuals, or combination of the above in whatever form or character.

#### **6.40.030. Licensing requirements.**

(a) Except where a specific exemption is applicable pursuant to Section 6.40.040, it shall be unlawful and a misdemeanor for:

(1) Any person to engage in the practice of massage therapy unless such person holds and maintains in full force and effect a valid MTO certificate.

(2) Any massage business or establishment to employ or retain a person to engage in the practice of massage therapy unless such person holds and maintains in full force and effect a valid MTO certificate.

(b) Any person who has in full force and effect a valid massage license issued by the City of Laguna Woods shall not be required to obtain an MTO certificate as long as that person maintains such license in full force and effect.

(c) All persons, massage businesses or establishments subject to this chapter shall have 60 calendar days from the effective date of this chapter to file proof of valid MTO certification with the City and to comply with this chapter.

**6.40.040. Exemptions.**

(a) This chapter shall not apply to:

(1) Physicians, surgeons, chiropractors, acupuncturists, osteopaths, podiatrists, naturopaths, physical therapists, and nurses who are duly licensed to practice their respective professions in the State of California under the provisions of the Business and Professions Code, while performing activities encompassed by such licenses.

(2) Persons who are duly licensed to practice a healing arts profession in the State of California under the provisions of Division 2 of the Business and Professions Code, while performing activities encompassed by such licenses.

(3) Barbers and cosmetologists who are duly licensed to practice their respective professions in the State of California under the Business and Professions Code, while performing activities encompassed by such licenses, provided that massage therapy is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees, of their patrons.

(4) Employees of State-licensed hospitals and nursing homes, or other state-licensed physical or mental health facilities, provided that massage therapy is only provided to their patients, while performing activities encompassed by such licenses.

(5) Persons working in conjunction with an athletic event or similar single occurrence athletic event of no more than two days, including road races and marathons, provided that the following conditions are met:

- a. Massages are made equally available to all event participants; and
- b. The event is open to participation or qualification for participation by a significant segment of the public (e.g., members or employees of the sponsoring or participating organizations, etc.); and

- c. Massages are only provided in the facility where the event will take place during or immediately preceding or following the event; and
- d. The owner of the facility where the event will take place, as well as the primary event sponsors, have been advised of and have approved the practice of massage therapy; and
- e. Persons engaging in the practice of massage therapy hold valid MTO certificates or are exempt under Section 6.40.040.

(b) In the event that an exempt person, as defined above in subsection (a), employs or retains a non-exempt person to engage in the practice of massage therapy at the exempt person's business location, the non-exempt person must obtain an MTO certificate before engaging in the practice of massage therapy and the business must comply with the operations requirements set forth below in Section 6.40.060.

**6.40.050. Display and filing of license.**

(a) Each massage business or establishment must maintain on its premises evidence for review by local authorities that demonstrates that all persons engaging in the practice of massage therapy have a valid MTO certificate or City of Laguna Woods massage license.

(b) Proof of valid MTO certification for all persons that engage in the practice of massage therapy must be filed with the City within five business days of each MTO certificate's issuance or renewal.

**6.40.060. Operations requirements.**

Massage businesses or establishments shall comply with the all of the following operations requirements in addition to all applicable requirements of the electrical, building, fire, plumbing, and other codes as adopted by the City, and State law:

(1) All lavatories or wash basins shall be provided with soap and single service towels in wall-mounted dispensers;

(2) Massage businesses or establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. After a towel, covering or linen has been used once it shall be deposited in a closed receptacle

## ITEM 9.2

and not used until properly laundered and sanitized. Clean towels, coverings and linens shall be stored in closed, clean cabinets when not in use. Heavy white paper may be substituted for sheets, provided that such paper is used once for each person and then discarded into a sanitary receptacle;

(3) All massage therapy or bath facilities shall be maintained in good repair and thoroughly cleaned and disinfected as needed, but no less than once each business day that the premises are open and the facilities are in use. All bathtubs shall be thoroughly cleaned and disinfected after each use;

(4) All persons shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before engaging in the practice of massage therapy;

(5) Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing any type of massage, and said instruments shall be disinfected and sterilized after each use;

(6) Pads used on massage tables shall be covered with durable and washable plastic or other acceptable waterproof material;

(7) There shall be no display, storage, or use of any instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, including, but not limited to, vibrators, dildos, or condoms, or any goods or items which are replicas of, or which simulate, specified anatomical areas, or pornographic magazines, videos, or other material;

(8) No person employed or retained by a massage business or establishment shall expose any genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola to the view of a patron of the massage business or establishment. Patrons shall be draped with a clean, opaque towel sufficient to cover their genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola during massage therapy;

(9) Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in a conspicuous public location in each massage business or establishment. All letters and numbers shall be capitals not less than one inch in height. No services shall be performed and no sums shall be charged for services other than those posted. This posting

requirement shall not apply to exempt physicians and/or surgeons who employ or retain non-exempt persons to perform massage therapy as part of licensed medical activities. All arrangements for services to be performed shall be made in a room that is not used for massage therapy;

(10) Alcoholic beverages may not be sold, served, furnished, kept, consumed, imbibed, or possessed on the premises without a conditional use permit and any applicable California Department of Alcoholic Beverage Control licenses.

**6.40.070. Inspection by government officials.**

The City Manager and his or her authorized representatives shall have the right to enter massage establishments or businesses, from time to time, during regular business hours, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this chapter and all laws of the City and State of California.

SECTION 4. Effective Date.

This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. City Clerk's Certification.

The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
ROBERT B. RING, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
STEPHEN A. MCEWEN, 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. 09-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 15<sup>th</sup> of July, 2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the following vote to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk