AGENDA
of
THE LAGUNA WOODS CITY COUNCIL

Regular Meeting
September 21, 2011
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: __ Rhodes __ Ring __ Robbins
__ Conners, Mayor Pro Tem __ Hack, Mayor

IV. PRESENTATIONS

None

V. CITY PROCLAMATIONS

None

VI. CONSENT CALENDAR

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

6.1 City Council Minutes

RECOMMENDED ACTION: Approve the minutes from the August 17, 2011 regular meeting.

6.2 Approve the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by title only and further reading waived.

RECOMMENDED ACTION: Waive reading of ordinances and resolutions.

6.3 Treasurer's Report

RECOMMENDED ACTION: Receive and File the August 2011 monthly Treasurer's Report.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the September 21, 2011 Warrant Register in the amount of $556,735.16.

6.5 City Hall Automatic Sliding Glass Door

RECOMMENDED ACTION: Award a contract to Pasco Doors, in the amount of $6,744.64, plus authorized change orders not to exceed 10% of the base amount; and authorize the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

6.6 Master Funding Agreement No. C-12772 between the Orange County Transportation Authority and City of Laguna Woods

RECOMMENDED ACTION: Approve Master Funding Agreement No. C-12772 between the Orange County Transportation Authority and City of Laguna Woods to allow receipt of funds for specific transportation projects, subject to approval of the contract as to form by the City Attorney.

VII. PUBLIC HEARINGS

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

A. Receive Staff Report.

B. Open Public Hearing.

C. Receive Public Comment.

D. Close Public Hearing.

E. Approve a resolution, granting a conditional use permit to allow temporary chain link fencing with opaque sheeting along El Toro Road for up to three years, entitled:

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

VIII. CITY COUNCIL

8.1 Advisory Committee Appointments

RECOMMENDED ACTION: Approve proposed nominations to citizen advisory committees.

IX. CITY MANAGER

9.1 Firearms Discharge Regulations

RECOMMENDED ACTION: Approve introduction and first reading of an ordinance modifying City regulations for the discharge of firearms, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 7.06.010 OF THE LAGUNA WOODS MUNICIPAL CODE RELATING TO DISCHARGE OF FIREARMS

9.2 Multimodal Trail Golf Cart Usage

RECOMMENDED ACTION:

A. Approve a resolution permitting golf cart use on multimodal trails, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION N0. 11-08 AND DESIGNATING GOLF CART PATHS IN THE PUBLIC RIGHT-OF-WAY

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

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Mayor Hack)

10.2 Orange County Library Board (Councilmember Robbins)

10.3 Orange County Fire Authority (Councilmember Rhodes)

10.4 Southern California Water Committee (Mayor Hack)

10.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)

10.6 Laguna Canyon Foundation (Councilmember Rhodes)

10.7 Vector Control District Board (Councilmember Robbins)

XI. PUBLIC COMMENTS

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

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

A. Orange County League Division – August 18, 2011(Ring, Robbins)

12.2 Other Meetings, Comments and Announcements

XIII. CLOSED SESSION

13.1 The City Council will meet in closed session to confer with legal counsel regarding one matter of pending litigation: City of Laguna Woods vs. Raintree Realty LLC. Case No. 05 CC 09350 pursuant to the provisions of Government Code Section 54956.9(a).

XIV. ADJOURNMENT

The meeting will be adjourned to a meeting of the City Council at 2:00 p.m. on Wednesday, October 19, 2011 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 l assistance to participate in this meeting, please contact the City Clerk at (949) 639-0500 (Voice) or, TDD (949) 639-0535 or the California Relay Service at (800) 735-2929 if you have a TDD or (800) 735-2922 if you do not have a TDD. Notification 48 hours prior to the meeting should enable the City to make reasonable arrangements to assure accessibility to the meeting.

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

6.1-6.6

CONSENT CALENDAR SUMMARY

City of Laguna Woods
Agenda Report

FOR: September 21, 2011 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 September 21, 2011 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 September 21, 2011 Consent Calendar contains the following six items:

6.1 Approval of the minutes from the August 17, 2011 regular meeting, as submitted.

6.2 Approval of a motion to allow reading proposed ordinances and resolutions by title only – this is a standard practice in cities. If this motion is not approved, all ordinances and resolutions must be read out loud in their entirety during the Council Meeting.

6.3 Approval of a motion to receive and file the August 2011 monthly Treasurer's Report. This report identifies the City's current liquid assets and their location. At the end of August, the City had approximately $7.7 million in cash on hand and in other liquid assets.

6.4 Approval of the September 21, 2011 Warrant Register, as submitted, in the total amount of $556,735.16. Of this amount, $92,204.09 relates to Fiscal Year 2010-11 and $464,531.07 relates to Fiscal Year 2011-12. A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Finance Manager's office.

6.5 Approval of a contract with Pasco Doors, for the installation of an automatic sliding glass door for the City Hall entrance. The work is scheduled to begin in October 2011 and be completed by November 2011. The City received one bid on August 15, 2011, from Pasco Doors with a bid amount of $6,744.64. The bid from the company was reviewed and there were no unbalanced bids or evidence of collusion. Pasco Doors has installed automatic sliding glass doors for both public and private agencies in Orange and Los Angeles counties. The City Hall's current automatic swing door was installed by Pasco Doors. The firm has received positive comments on the automatic sliding glass doors they have installed for public and private agencies. This project will be funded with an energy efficiency grant.

6.6 Approval of an agreement between the Orange County Transportation Authority (OCTA) and City of Laguna Woods. This agreement allows OCTA to pass funds through to the City for specific transportation projects. A new master agreement is necessary to reflect funding from Measure M2, which took effect on April 1, 2011.

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 September 21, 2011 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

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL AND LAND USE AND DESIGN REVIEW COMMITTEE
REGULAR MEETING MINUTES

August 17, 2011
2:00 P.M.

I. CALL TO ORDER

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

Chair Lindstrom called the Regular Meeting of the Land Use and Design Review Committee to order at 2:00 p.m.

II. FLAG SALUTE

Mayor Hack led the flag salute.

III. ROLL CALL

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

LAND USE AND DESIGN REVIEW COMMITTEE MEMBERS:

	PRESENT:	Hamm, Hatch, Heilbronner, Loveder, Straziuso, Schneider, Sortino, Lindstrom
	ABSENT:	Joss and Preli

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

IV. WORKSHOP: Urban Activity Center Specific Plan

Mayor Hack announced that the joint meeting with the City Council and the Land Use and Design Review (LUDR) Committee has been called to review a presentation from the Golden Rain Foundation (GRF) pertaining to the Urban Activity Specific Plan. He noted that neither the City Council nor the LUDR Committee will take action on the issue and instead, will reserve their discussions and recommendations for a later date after the actual application has been submitted and reviewed. He encouraged the City Council and the LUDR Committee to address their questions to GRF and informed the public that they may express opinions on the subject, as well as items not listed on the agenda, during the public comments portion of the agenda.

Lynn Borack, GRF Board Member, introduced Coralee Newman and Jess Harris, consultants for GRF, who would make the presentation.

Coralee Newman discussed the community outreach program that began in January 2010 and included presentations to various community groups. A presentation to the entire Village community was broadcast on Channel 6. The GRF Board of Directors has approved the plan that is being presented today.

Jess Harris reviewed a Power Point presentation of the proposed specific plan. Planning Area (PA) 3 and PA 4 are designated as Community Center/Administrative Office, with the possibility of an urgent care facility, theater or commercial offices. PA 7 is proposed as Light Industry. PA 1 is identified as open space, with a possible use as solar panels; the intention would be to preserve the view from this site. PA 9 and PA 12 are designated to serve as expansion to the community gardens and/or outdoor meetings and concerts. Mr. Harris stated that the proposed plan is intended to reduce the Village's carbon footprint and promote a healthy community by designating nearly 70% of the available property as open space.

Mayor Hack reiterated that it would now be appropriate for Council and Committee members to direct any questions, pertaining to the land use, to the applicant.

Councilmember Rhodes asked about the shape of PA 10.

Mr. Harris clarified that PA 10 is a greenbelt with a legal easement for drainage purposes.

Councilmember Rhodes asked for clarification if the County required the easement.

Mr. Harris stated that he is not familiar with the history of the easement.

LUDR Committee Member Hatch asked if the reason for excluding Garden Center 1 is to reserve the area for affordable housing.

Mr. Harris responded that this property is not a part of the Urban Activity Center specific plan area.

LUDR Committee Member Hatch asked if the expanded garden centers areas would be automatically constructed if Garden Center 1 was converted to housing in the future.

Mr. Harris clarified that the garden centers would be expanded as needed. Depending on the future use of the Garden Center 1 property, the plots there could shift to the other sites or be consolidated.

LUDR Committee Member Hatch summarized his understanding that Garden Center 1 could remain at its current location, expand to Garden Center 2, or become one of three garden centers.

Mayor Pro Tem Conners asked if PA 7 has any underground fuel storage tanks.

Tim Huval with Professional Community Management stated that the underground tanks were removed at the time that the above-ground fuel station was constructed.

Mayor Pro Tem Conners asked if remediation occurred at that time.

Mr. Huval indicated that although he did not have specific details, it is likely that remediation was required.

City Manager Keane indicated that it is unlikely that something else could be built at the site if remediation was required but not completed.

Mayor Pro Tem Conners asked if the proposed plan has looked into alternate entrances from El Toro Road to alleviate average daily trips on Moulton Parkway.

Mr. Harris discussed the existing two points of access to PA 7 from Moulton Parkway, near Via Campo Verde, and El Toro Road at the equestrian center. He suggested that there might be a request to move the El Toro Road entrance to provide straight-through access, should the land be expanded as part of the final plan.

Mayor Hack discussed his concerns with hydrology and flooding on El Toro Road. He suggested that the issue be addressed as part of any land development.

Mr. Harris acknowledged that engineering analysis would be required as part of the specific plan and that such analysis would be subject to approval by the City Engineer.

Mayor Hack noted that the issue has been looked at with previous projects, but he was not certain if it has been reviewed in light of development proposed.

Mayor Pro Tem Conners asked if it would be possible to provide a golf cart path from the Home Depot Center through PA 7 at Via Campo Verde, to enhance golf cart access to PA 2, PA 3 and PA 4. She stated that if the path begins and ends on public property, access would be provided to the general public.

Mr. Harris stated that the residents have proposed the idea; however, the issue would be subject to land use discussions and require coordination with the City and Home Depot.

LUDR Committee Member Heilbronner asked what the advantage would be, if any, to residents of Laguna Woods Village to build on the Urban Activities Center.

Mayor Hack stated that the City Council cannot comment on that type of issue at this time.

LUDR Committee Member Sortino asked if the designation of PA 7 as Light Industry would open it up to a non-Village use.

Mr. Harris stated that the land use goal is to provide flexibility and expansion capability for GRF facilities.

LUDR Committee Member Hatch asked for clarification if all of the proposed uses are for "in-house" use by Laguna Woods Village.

Mr. Harris responded that they are.

City Manager Keane clarified that the City cannot zone uses specific to the gated community. The City's action would allow the Village to determine if they keep, sell or lease their property.

Mayor Hack concurred with City Manager Keane.

Mayor Pro Tem Conners noted that the City would take action to allow a certain use of the property but it would be up to the owner to restrict the use of the property.

Mayor Hack thanked Ms. Newman and Mr. Harris for the presentation.

V. PUBLIC COMMENTS

Mayor Hack reiterated that comments pertaining to the previous presentation or any other comments, in general, can be made at this time.

Phyllis Walker, resident, stated that she was confronted by a coyote near her front door and she would like "extreme measures" to continue year-round to control the problem.

Pam Grundke, resident, responded to Mr. Heilbronner's earlier inquiry and stated that it is her understanding that the purpose of the uses proposed in the specific plan is to limit the uses for "in-house use." She thanked Bob Hatch and Ms. Newman for their assistance and response throughout the community outreach process.

VI. ADJOURN LAND USE AND DESIGN REVIEW COMMITTEE MEETING

Chair Lindstrom adjourned the Land Use and Design Review committee meeting at 2:56 p.m. to the next regularly scheduled meeting on September 8, 2011 at 9:00 a.m.

Mayor Hack announced a five minute recess. The City Council reconvened at 3:01 p.m.

VII. PRESENTATIONS

None

VIII. CITY PROCLAMATIONS

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to approve City Proclamation 8.1, entitled:

8.1 Constitution Week, September 17 – 23, 2011

City Manager Keane noted that Lori Sassoon, City Manager for the City of Villa Park, is present but must leave to another meeting. She requested that Agenda Item 12.1 be moved forward following the consent calendar. There were no objections.

IX. CONSENT CALENDAR

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to approve Consent Calendar Items 9.1 – 9.4.

9.1 City Council Minutes

Approved the minutes from the July 20, 2011 regular meeting and July 28, 2011 special meeting.

9.2 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.

9.3 Treasurer's Reports

Received and filed the July 2011 monthly and Fiscal Year 2010-11 Fourth Quarter Treasurer's Reports.

9.4 Warrant Register

Approved the August 17, 2011 Warrant Register in the amount of $1,883,970.09.

X. PUBLIC HEARING – None

XI. CITY COUNCIL

11.1 Foie Gras (agendized by Mayor pro Tem Conners)

Mayor Pro Tem Conners discussed recent events in the community which called for the City Council's action to address human rights against coyotes. She believes that the foie gras resolution presents an issue of animal rights. She acknowledged that other City Councilmembers may feel that the issue does not directly relate to the community, but that she feels that the community's actions demonstrate a compassion for animal rights.

Moved by Mayor Pro Tem Conners and seconded by Councilmember Rhodes to approve a resolution commending restaurants that do not serve foie gras.

Mayor Hack stated that he does not believe in supporting a law that does not directly affect the community, and he is unaware of any restaurant in the City that serves foie gras. He stated that the City would be better served to speak on issues that can be taken more seriously.

Councilmember Ring announced that he is not a strong supporter of this issue; however, he is sympathetic to the manner in which the resolution is drafted. He congratulated Mayor Pro Tem Conners for drafting the resolution in a positive manner. He stated that he and Mayor Hack represent the City on regional issues and that they receive negative comments from other elected officials regarding the City Council's actions on certain issues. He is concerned that this will draw the same negative attention, but supports the resolution as it is written.

Councilmember Rhodes stated that he received a telephone request to support the issue and feels the sentiment, not to force-feed animals, is correct. He discussed his own experience to witnessing animal cruelty during his study in pharmaceuticals and believes that there must be a balance. He stated that he believes the resolution is reasonable and suggested that regulation should be left for the State to enforce.

Councilmember Robbins asked if the ban to produce foie gras from force fed ducks and geese is a State law.

City Manager Keane affirmed that it is a state law, but will not be effective until 2012.

Councilmember Robbins agreed that the resolution is well drawn and stated he would support it.

Rose Tingle, resident, urged the City Council to approve the resolution.

Kath Rogers, Programs Director for the Animal Rescue League, urged the City Council to approve the resolution.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Rhodes and voted to approve Resolution No. 11-18 commending restaurants that do not serve foie gras, entitled:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA COMMENDING RESTAURANTS AND STORES THAT DO NOT SELL FOIE GRAS

AYES: Rhodes, Ring, Robbins, Conners
NOES: Hack
ABSTAIN: None

XII. CITY MANAGER

12.1 Electric Utility Undergrounding

This item was considered immediately following the Consent Calendar.

Assistant City Manager Reilly summarized the agenda report and asked that the language in the agreement be changed from "allocation" to "loan" to clarify that only a portion of the City's allocation would be on loan to the City of Villa Park, not the entire allocation.

Mayor Hack asked Mr. Reilly to clarify the loan amount and form of the loan.

Mr. Reilly reiterated that $80,000 is the loan amount from the City's electric utility undergrounding allocation. The current balance in that fund is $450,000. Villa Park would pay an additional $5,000 fee to the City's General Fund.

City Manager Keane stated that the City would deposit $5,000 in the General Fund and would receive an additional $40,000 for the City's own undergrounding projects.

Moved by Councilmember Robbins and seconded by Councilmember Ring to approve an agreement with the City of Villa Park to loan $80,000 in Rule 20A electric utility undergrounding funds held by Southern California Edison, and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

Councilmember Ring asked for clarification of paragraph two of the agreement.

Assistant City Manager Reilly stated that instead of saying "Laguna Woods Allocation," it would be changed to "Laguna Woods Loan," as referenced in Section D under Recitals.

City Manager Keane suggested that the language in Section 2, under Agreement, be changed to read: "...Laguna Woods shall deliver a written request to SCE to transfer the entire balance of the Rule 20A Loan contained in the Laguna Woods..."

Mayor Pro Tem Conners stated that this is a win-win situation and that she is in favor of the agreement. She asked if the City is subject to usury loans.

City Attorney Cosgrove responded that the City is not subject to usury loans in this context.

Councilmember Rhodes asked City Attorney Cosgrove if he is comfortable with the terms of the agreement.

City Attorney Cosgrove stated that he is and that he was consulted on the agreement.

Moved by Councilmember Robbins, seconded by Councilmember Ring, and carried unanimously to approve an agreement, as amended, with the City of Villa Park to loan $80,000 in Rule 20A electric utility undergrounding funds held by Southern California Edison, and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

12.2 Environmental Mitigation Fund – Building Permit Subsidies

City Manager Keane summarized the agenda report.

Councilmember Rhodes announced his support, but proposed that the City also reduce the current dishwasher and refrigerator replacement permit fees since there is no alteration or new construction required to replace the appliances.

City Manager Keane clarified that a permit is not required to replace refrigerators. She explained that most cities require a permit for dishwasher replacements to ensure that the backflow device is installed properly. She further noted that a modification to these fees would have to go through a public hearing process.

Moved by Councilmember Ring, seconded by Councilmember Robbins, and carried unanimously to revise building permit subsidies for certain environmental improvements, and transfer $10,000 from the Council Contingency account to support the program in the current fiscal year.

XIII. COMMITTEE REPORTS

13.1 Transportation Corridor Agencies (Mayor Hack)
Mayor Hack stated that there was no meeting.

13.2 Orange County Library Board (Councilmember Robbins)
Mayor Robbins stated that the next meeting will be held on October 6, 2011.

13.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes stated that there was no meeting.

13.4 Southern California Water Committee (Mayor Hack)
Mayor Hack reported on a meeting he attended that included a presentation by a seismic specialist who discussed flooding issues.

13.5 Coastal Greenbelt Authority (Mayor Pro Tem Conners)
Mayor Pro Tem Conners stated that there was no meeting.

13.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes stated that there was no meeting.

13.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins stated that the next meeting is scheduled for August 18, 2011. He provided the following local and national report, as of July 31, 2011: no dead birds in Laguna Woods; three dead birds in Laguna Hills tested negative; and 12 human cases of West Nile Virus, including one in California, four in Arizona, and one fatality in Texas.

XIV. CITY COUNCIL COMMENTS AND REPORTS

14.1 Reports on Meetings Attended per Government Code §53232.3

A. Municipal Water District of Orange County Dinner (Hack, Ring) – July 21, 2011
B. Southern California Water Committee (Hack) – July 28, 2011

Councilmembers in attendance at these meetings discussed the items discussed and information provided.

14.2 Other Meetings, Comments and Announcements

Mayor Pro Tem Conners reported on a recent meeting of the Orange County Waste and Recycling Commission. She encouraged residents to take their grandchildren to visit the Discovery Science Center to experience an interactive recycling exhibit.

Councilmember Rhodes discussed an event he attended celebrating the 6th anniversary of the Great Park, hosted by Great Park Chairwoman Beth Krom.

Mayor Hack reported on a presentation from Irvine Ranch Water District (IRWD) Board Member Peer Swan regarding buying pieces of land and storing water underground in Kern County to preserve several years' worth of water for IRDW.

XV. CLOSED SESSION

15.1 The City Council met in closed session to confer with legal counsel regarding one matter of pending litigation: City of Laguna Woods vs. Raintree Realty LLC. Case No. 05 CC 09350 pursuant to the provisions of Government Code Section 54956.9(a).

The City Council reconvened in open session at 4:35 p.m. City Attorney Cosgrove advised that there was no reportable action.

XVI. ADJOURNMENT

The meeting was adjourned at 4:52 p.m. to a meeting at 2:00 p.m. on Wednesday, September 21, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: September 21, 2011

BERT HACK, Mayor

6.2
WAIVE READING OF ORDINANCES AND RESOLUTIONS
(No Report)

6.3
TREASURER'S REPORT

ITEM 6.3

City of Laguna Woods

Monthly Treasurer's Report
August 31, 2011

CASH ON HAND

1. Investments/General Fund

Local Agency Investment Fund	$	6,971,179
Subtotal	$	6,971,179

2. Investments/Transportation Fund

Local Agency Investment Fund	$	228,587
Subtotal	$	228,587

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

Petty Cash Funds	$	209
Analyzed Checking Account	$	469,001
Subtotal	$	469,210
TOTAL	$	7,668,976

Note: LAIF reports interest earnings quarterly.

6.4
WARRANT REGISTER

CITY OF LAGUNA WOODS
WARRANT REGISTER
September 21, 2011

Check Number	Check Date		Vendor Name	Check Description	Amount
	PREPAID WARRANTS:				
			Automatic Bank Debits		
Debit	08/03/2011		ADP PAYROLL SERVICES	PPE 08/12/11	30,409.31
Debit	08/04/2011		ICMA RETIREMENT CORPORATION	PPE 08/12/11	1,594.03
Debit	08/10/2011		ADP PAYROLL SERVICES	Processing Charges-Payroll 08/12/11	117.12
Debit	08/10/2011		AFLAC	Flexible Spending Account Reimbursement	197.20
Debit	08/31/2011		ADP PAYROLL SERVICES	PPE 08/26/11	29,497.51
Debit	08/31/2011		ADP PAYROLL SERVICES	Processing Charges-Payroll 08/26/11	117.12
Debit	09/07/2011		ICMA RETIREMENT CORPORATION	PPE 08/26/11	1,594.03
			Other		
110801	08/16/2011		ANIMAL PEST MANAGEMENT SERVICES	Animal Control Services	5,000.00
110802	08/16/2011		APPRECIATION PRODUCTS	Nameplates/Reilly/Cosgrove	61.42
110803	08/16/2011		AT&T	Telephone/949-581-3974/July 2011	76.58
110804	08/16/2011		AT&T	Telephone/949-583-1105/July 2011	15.48
110805	08/16/2011	*	DENNIS D. NELSON, PE	Professional Services/June 2011	3,060.00
110806	08/16/2011	*	DENNIS D. NELSON, PE	Professional Services/June 2011	790.00
110807	08/16/2011		MILDRED GOLDIN	Taxi Voucher Refund	50.00
110808	08/16/2011		VIVIAN GROCHOW	Taxi Voucher Refund	112.50
110809	08/16/2011		NIEVES LANDSCAPE, INC.	Landscape Maintenance/Extras	800.00
110810	08/16/2011		OFFICE DEPOT	Office Supplies	201.20
110811	08/16/2011		ORANGE COUNTY TREASURER-SHERIFF	Sheriff Services	90,384.82
110812	08/16/2011		REILLY, DOUGLAS C.	Employee Benefit Program/July-Aug 2011	348.20
110813	08/16/2011	*	REILLY, DOUGLAS C.	Employee Benefit Program/January-June 2011	149.95
110814	08/16/2011	*	REILLY, DOUGLAS C.	Mileage Reimbursement/January-June 2011	103.96

CITY OF LAGUNA WOODS
WARRANT REGISTER
September 21, 2011

Check Number	Check Date	Vendor Name	Check Description	Amount
110815	08/16/2011	SEAN SCHWAB	Bee Hive Maintenance	210.00
110816	08/16/2011	SKYLIGHT SPECIALIST	Building Refund/Permit Cancelled	24.00
110817	08/16/2011	TRAILS4ALL	2011 Inner Coastal Clean-Up	750.00
110818	08/16/2011	* YOLIE TRIPPY	Mileage Reimbursement/January-June 2011	46.81
110819	08/16/2011	CALIFORNIA JOINT POWERS	Pollution Liability Insurance	7,002.00
110820	08/16/2011	CALPERS - RETIREMENT	Retirement Contributions/Period Ending 7/29/11	5,011.94
110821	08/24/2011	AFLAC	Employee Benefit Program/September 2011	310.80
110822	08/24/2011	AFLAC	Program Fees/August 2011	50.00
110823	08/24/2011	ATI	Building Permit Refund	7.00
110824	08/24/2011	CHECK ISSUED IN ERROR		
110825	08/24/2011	CA MUNICIPAL TREASURER'S ASSOC.	Annual Membership Dues/Reilly/Jones	155.00
110826	08/24/2011	CAA	Water Quality Testing/July 2011	1,798.00
110827	08/24/2011	CALPERS - HEALTH	Employee Benefit Program/September 2011	3,205.63
110828	08/24/2011	CALPERS - RETIREMENT	Retirement Contributions/Period Ending 8/12/11	5,011.69
110829	08/24/2011	CIBOLA SYSTEM CORP	Audio System Maintenance/July 2011	1,400.00
110830	08/24/2011	VIRGINIA COLE	Taxi Voucher Refund	20.00
110831	08/24/2011	COPYFORCE	Printing/Building Permit/Inspection Forms	867.39
110832	08/24/2011	COSTCO WHOLESALE	Membership Dues	100.00
110833	08/24/2011	DENNIS D. NELSON, PE	Deposit Based Engineering Service/May 2011	385.00
110834	08/24/2011	EL TORO WATER DISTRICT	City Hall Utilities/August 2011	23.40
110835	08/24/2011	EL TORO WATER DISTRICT	City Hall Utilities/August 2011	28.00
110836	08/24/2011	EL TORO WATER DISTRICT	Landscape Maintenance/August 2011	483.39
110837	08/24/2011	EL TORO WATER DISTRICT	Landscape Maintenance/August 2011	5,995.77
110838	08/24/2011	ERNESTINE JONES	Employee Benefit Program/August 2011	359.62

CITY OF LAGUNA WOODS
WARRANT REGISTER
September 21, 2011

Check Number	Check Date		Vendor Name	Check Description	Amount
110839	08/24/2011		SHIRLEY MOOSMAN	Taxi Voucher Refund	37.50
110840	08/24/2011		ERMA NIELSEN	Taxi Voucher Refund	50.00
110841	08/24/2011		NIEVES LANDSCAPE, INC.	Landscape/Irrigation Repair	350.00
110842	08/24/2011	*	ORANGE COUNTY TREASURER - STREETS	Street Maintenance/April 2011	35,447.66
110843	08/24/2011		PRINCIPAL FINANCIAL GROUP	Employee Benefit Program/September 2011	457.10
110844	08/24/2011		ADRIENNE SINGER	Taxi Voucher Refund	40.00
110845	08/24/2011		SOUTHERN CA EDISON COMPANY	Irrigation Controller/August 2011	85.91
110846	08/24/2011		VERRALL, SANDRA	Cell Phone/Mileage Reimbursement	154.08
110847	08/24/2011	*	WM CURBSIDE, LLC	E-Waste Collections/June 2011	6,164.32
110848	09/01/2011		ANIMAL PEST MANAGEMENT SVCS	Animal Control Services	2,500.00
110849	09/01/2011		CA MUNICIPAL TREASURER'S ASSOC	CSMFO/CMTA Meeting/September 2011	35.00
110850	09/01/2011		CAPTIONING UNLIMITED	CC Council Meeting/August 2011	200.00
110851	09/01/2011		CIT TECHNOLOGY FINANCING SERV.	Copier Lease/September 2011	641.12
110852	09/01/2011		EL TORO WATER DISTRICT	City Hall Utility/August 2011	96.94
110853	09/01/2011	*	KEANE, LESLIE A.	Cell Phone Reimbursement/January-June 2011	564.55
110854	09/01/2011	*	KEANE, LESLIE A.	Employee Benefit Program/June 2011	662.88
110855	09/01/2011		MACEACHERN CO	Waste Diversion Deposit Refund	1,200.00
110856	09/01/2011		MANAGED HEALTH NETWORK	Employee Benefit Program/September 2011	22.23
110857	09/01/2011		ORKIN	Pest Control/September 2011	84.49
110858	09/01/2011		STEPHEN L. PECK	Waste Diversion Deposit Refund	810.00
110859	09/01/2011	*	RUTAN & TUCKER, LLP	Attorney Services/May-June 2011	26,136.46
110860	09/01/2011		SONITROL	Alarm Monitoring/September 2011	57.19
110861	09/01/2011		SOUTHERN CALIFORNIA EDISON	Residential Streetlights/United/August 2011	1,509.19
110862	09/01/2011		SOUTHERN CALIFORNIA EDISON	City Hall Utilities/August 2011	1,968.31

CITY OF LAGUNA WOODS
WARRANT REGISTER
September 21, 2011

Check Number	Check Date		Vendor Name	Check Description	Amount
110863	09/01/2011		SOUTHERN CALIFORNIA EDISON	Traffic Signal Controllers/August 2011	786.81
110864	09/01/2011		SOUTHERN CALIFORNIA EDISON	Ridge Route Park/August 2011	22.72
110865	09/01/2011		STANDARD TELEPHONE NETWORK	Telephone System Maintenance	62.50
110866	09/01/2011		THE GAS COMPANY	City Hall Utilities/August 2011	15.39
110867	09/01/2011		YOLIE TRIPPY	Employee Benefit Program/August 2011	380.00
110868	09/01/2011		VERRALL, SANDRA	Cell Phone Reimbursement/August 2011	25.00
110869	09/01/2011		VISION SERVICE PLAN OF AMERICA	Employee Benefit Program/September 2011	167.53
110870	09/01/2011		WM CURBSIDE, LLC	Waste Collection/July 2011	1,131.08
110871	09/07/2011		AT&T	Telephone/949-458-3487/August 2011	31.36
110872	09/07/2011		BALLIET, MICHAEL	Waste Consulting/July-August 2011	4,611.25
110873	09/07/2011		DICKSONS, INC.	CDBG Energy Efficiency Project	1,536.00
110874	09/07/2011	*	HOGLE-IRELAND	Professional Services/June 2011	19,077.50
110875	09/07/2011		ORANGE COUNTY TREASURER-SHERIFF	Sheriff Services/August 2011	110,320.92
110876	09/07/2011		SOUTHERN CALIFORNIA EDISON	Right of Way/August 2011	2,105.44
110877	09/07/2011		SOUTHERN CALIFORNIA EDISON	Residential Streetlights/Third Mutual/August 2011	4,339.50
110878	09/14/2011		AT&T	White Pages/September 2011	3.77
110879	09/14/2011		CALPERS - RETIREMENT	Retirement Contributions/Period Ending 8/26/11	5,011.69
110880	09/14/2011		DELTA DENTAL PLAN OF CA	Employee Benefit Program/September 2011	591.77
110881	09/14/2011		GARY GATES	Employee Benefit Program/August 2011	704.17
110882	09/14/2011		KEANE, LESLIE A.	September 2011 Auto Allowance	450.00
110883	09/14/2011		OCCMA	OCCMA Monthly Meeting/September 2011	70.00
110884	09/14/2011		ORANGE COUNTY CLERK-RECORDER	CEQA Document Processing Fee	50.00
110885	09/14/2011		SOUTHERN CALIFORNIA EDISON	Safety Light Over Traffic Signals/August 2011	384.34

CITY OF LAGUNA WOODS
WARRANT REGISTER
September 21, 2011

Check Number	Check Date	Vendor Name	Check Description	Amount
		Total Prepaid Warrants		**429,079.54**
	REGULAR WARRANTS:			
110886	09/14/2011	VIRGINIA ANDERSON	Taxi Voucher Refund	50.00
110887	09/14/2011	AT&T	Telephone/949-452-0600/August 2011	273.03
110888	09/14/2011	AT&T	Telephone/949-639-0500/August 2011	179.42
110889	09/14/2011	AT&T	Telephone/949-770-9359/August 2011	15.65
110890	09/14/2011	JACOB BADINER	Taxi Voucher Refund	50.00
110891	09/14/2011	BANK OF AMERICA - CC	Credit Card Charges/August 2011	266.76
110892	09/14/2011	CYNTHIA BLANK	Taxi Voucher Refund	50.00
110893	09/14/2011	CALIFORNIA YELLOW CAB	NEMT/August 2011	6,633.00
110894	09/14/2011	CALPERS - HEALTH	Employee Benefit Program/October 2011	3,206.27
110895	09/14/2011	CNA	Employee Benefit Program/Keane/Oct.-Dec. 2011	518.16
110896	09/14/2011	CNA	Employee Benefit Program/Reilly/Oct.-Dec. 2011	410.36
110897	09/14/2011	CYNTHIA CONNERS	September 2011 Compensation	300.00
110898	09/14/2011	COPYFORCE	Printing/Bulky Item Collection flyers	129.30
110899	09/14/2011	COUNTY OF ORANGE	City Share/Newport Bay-TMDL/FY 2011-12	8,416.19
110900	09/14/2011	DAVID EVANS & ASSOCIATES INC.	Professional Services/August 2011	5,554.95
110901	VOID	DENNIS D. NELSON, PE	Void	0.00
110902	09/14/2011	DENNIS D. NELSON, PE	Professional Services/July 2011	56,512.40
110903	09/14/2011	GREAT CLEANING SERVICE	Janitorial Services/August 2011	587.93
110904	09/14/2011	HACK, BERT	September 2011 Compensation	300.00
110905	09/14/2011	KONE INC.	Elevator Maintenance/September 2011	217.00
110906	09/14/2011	LYNN CAPOUYA	Professional Services/Ridge Route Project	4,393.35

CITY OF LAGUNA WOODS
WARRANT REGISTER
September 21, 2011

Check Number	Check Date	Vendor Name	Check Description	Amount
110907	09/14/2011	FAUSTA MCINTOSH	Taxi Voucher Refund	30.50
110908	VOID	NIEVES LANDSCAPE, INC.	Void	0.00
110909	09/14/2011	NIEVES LANDSCAPE, INC.	Landscaping Services/Extra	4,184.99
110910	09/14/2011	NIEVES LANDSCAPE, INC.	Landscape Maintenance/September 2011	10,605.41
110911	09/14/2011	MILDRED NILSSON	Taxi Voucher Refund	42.50
110912	09/14/2011	OFFICE DEPOT	Office Supplies	502.23
110913	09/14/2011	TERESE S OLIVER	Attorney Services/August 2011	1,845.00
110914	09/14/2011	ORANGE COUNTY TREASURER	Water Quality Pollution Response Fee	258.00
110915	09/14/2011	MARTIN RHODES	September 2011 Compensation	300.00
110916	09/14/2011	RING, ROBERT	September 2011 Compensation	300.00
110917	09/14/2011	ROBBINS, MILTON	September 2011 Compensation	300.00
110918	09/14/2011	RUTAN & TUCKER, LLP	City Attorney Services/July 2011	15,273.09
110919	09/14/2011	SEAN SCHWAB	Bee Hive Maintenance	195.00
110920	09/14/2011	WLC ARCHITECTS	CDBG Phase 3/Library Site ADA	2,480.00
110921	09/14/2011	WM CURBSIDE, LLC	Waste Collection/July 2011	1,584.00
110922	09/14/2011	BZ CONSTRUCTION, INC.	Waste Deposit Refund	900.00
110923	09/14/2011	PETTY CASH	To Replenish Petty Cash Account	791.13
		Total Regular Warrants		**127,655.62**
			Total Register	**556,735.16**

* FY 2010/11 Expenditures

CITY OF LAGUNA WOODS
WARRANT REGISTER
September 21, 2011

Check Number	Check Date	Vendor Name	Check Description	Amount
		August Credit Card Statement Detail		
	Debit	OVERNITE EXPRESS	Delivery Services	32.20
	Debit	ORANGE COUNTY REGISTER	Newspaper Subscription Renewal	35.56
	Debit	ORANGE COUNTY REGISTER	Public Notice	199.00

PETTY CASH RECONCILATION
August 31, 2011

Date	Description	Amount
	Beginning Balance	408.50
07/12/2011	Postage/ CDBG Grant Agreements	11.85
07/26/2011	Office Supplies/Binders/Sliding Glass Door Project	11.60
08/05/2011	Community Event/Movie Supplies 08/07/11	14.80
08/05/2011	Community Event/Movie Supplies 08/07/11	17.92
08/05/2011	Community Event/Movie Supplies 08/07/11	60.00
08/26/2011	Mileage Reimbursement Rate Adjustment/July	13.73
08/26/2011	Mileage Reimbursement Rate Adjustment/July-Aug.	11.39
08/26/2011	Mileage Reimbursement Rate Adjustment/July-Aug.	13.37
08/30/2011	Postage	28.20
08/30/2011	Postage	5.59
08/31/2011	Postage	11.18
	Total Reimbursements	199.63
	Balance at August 31, 2011	208.87
	Amount Needed to Replenish Petty Cash	**791.13**

6.5
CITY HALL AUTOMATIC SLIDING GLASS DOOR
(NO REPORT)

6.6
ORANGE COUNTY TRANSPORTATION AUTHORITY MASTER FUNDING AGREEMENT No. C-12772

MASTER FUNDING AGREEMENT NO. C-1-2772

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF LAGUNA WOODS

FOR

M2 COMPREHENSIVE TRANSPORTATION FUNDING PROGRAMS

THIS AGREEMENT is effective this ______ day of ______________________ 2011, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and the City of Laguna Woods, 24264 El Toro Road, Laguna Woods, CA 92637, a municipal corporation (hereinafter referred to as "AGENCY").

RECITALS:

WHEREAS, Voters approved Renewed Measure M (M2) on November 7, 2006; and

WHEREAS, Orange County Local Transportation Authority Ordinance No. 3 outlines the M2 Transportation Ordinance and Investment Plan to fund transportation facility and service improvement programs for a period of thirty years commencing on April 1, 2011; and

WHEREAS, AUTHORITY and AGENCY agree that M2 funding is subject to AGENCY fulfilling M2 eligibility requirements; and

WHEREAS, AUTHORITY's Board of Directors approved the Renewed Measure M Eligibility Guidelines - Local Agency Preparation Manual on January 25, 2010 and subsequent amendments on March 14, 2011 and April 11, 2011; and

WHEREAS, AUTHORITY's Board of Directors approved the Comprehensive Transportation Funding Programs (CTFP) Guidelines on March 22, 2010; and

WHEREAS, AUTHORITY will periodically update the Renewed Measure M2 Eligibility Guidelines - Local Agency Preparation Manual and the CTFP Guidelines whereby the most recent update is incorporated herein by reference; and

WHEREAS, AUTHORITY has approved AGENCY's competitive project(s) (hereinafter referred to as "PROJECT(s)") as specified in Attachment A "Projects List" to receive funding under the CTFP; and

WHEREAS, AUTHORITY has determined that AGENCY's PROJECT(s) has met the requirements of and is eligible under the CTFP Guidelines; and

WHEREAS, AGENCY's "Project List" may be amended to include new projects with each competitive call for projects and will be incorporated by Letter Agreement executed by both parties and incorporated herein; and

WHEREAS, the Letter Agreement may include additional requirements for PROJECT(s) funded with sources other than M2 or Local Fair Share Net Revenues sources; and

WHEREAS, AUTHORITY and AGENCY agree that Local Fair Share Program Net Revenues are distributed on a formula basis to eligible jurisdictions; and

WHEREAS, payment terms for this Master Funding Agreement will be in accordance with Chapter 10 of the CTFP Guidelines; and

WHEREAS, this Master Funding Agreement defines the specific terms and conditions and funding responsibilities between AUTHORITY and AGENCY for CTFP and Local Fair Share Program Net Revenues; and

WHEREAS, AUTHORITY's Board of Directors approved this Master Funding Agreement on June 27, 2011; and

WHEREAS, the AGENCY's City Council approved this Agreement on the ______ day of ________________________ 2011;

NOW, THEREFORE, it is mutually understood and agreed by AUTHORITY and AGENCY as follows:

<u>**ARTICLE 1. COMPLETE AGREEMENT**</u>

A. This Agreement, including any attachments incorporated herein and made applicable by reference, constitutes the complete and exclusive statement of the term(s) and conditions(s) of this agreement between AUTHORITY and AGENCY and it supersedes all prior representations, understandings, and communications. The invalidity in whole or in part of any term or condition of this Agreement shall not affect the validity of other term(s) or conditions(s) of this Agreement. The above referenced Recitals are true and correct and are incorporated by reference herein.

B. AUTHORITY'S failure to insist on any instance(s) of AGENCY's performance of any term(s) or condition(s) of this Agreement shall not be construed as a waiver or relinquishment of AUTHORITY's right to such performance or to future performance of such term(s) or condition(s), and AGENCY's obligation in respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall not be binding upon AUTHORITY except when specifically confirmed in writing by an authorized representative of AUTHORITY by way of a written amendment to this Agreement and issued in accordance with the provisions of this Agreement.

C. AGENCY's failure to insist on any instance(s) of AUTHORITY's performance of any term(s) or condition(s) of this Agreement shall not be construed as a waiver or relinquishment of AGENCY's right to such performance or to future performance of such term(s) or condition(s), and AUTHORITY's obligation in respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall not be binding upon AGENCY except when specifically confirmed in writing by an authorized representative of AGENCY by way of a written amendment to this Agreement and issued in accordance with the provisions of this Agreement.

ARTICLE 2. SCOPE OF AGREEMENT

This Agreement specifies the roles and responsibilities of both AUTHORITY and AGENCY as they pertain to the subjects and projects addressed herein. Both AUTHORITY and AGENCY agree that each will cooperate and coordinate with the other in all activities covered by this Agreement and any other supplemental agreements, including Letter Agreements, which may be required to facilitate purposes thereof.

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ARTICLE 3. RESPONSIBILITIES OF AUTHORITY

AUTHORITY agrees to the following responsibilities for funding of PROJECT(s):

A. AUTHORITY shall allocate M2 Net Revenues as specified in Ordinance No. 3 and pay AGENCY in accordance with the policies and procedures contained in the CTFP manual and AUTHORITY's Board of Directors approved PROJECT budgets.

B. AUTHORITY shall provide guidance and oversight of the M2, state and federal funds in compliance with M2 eligibility guidelines, CTFP Guidelines, state and federal funding requirements and allocation and reporting requirements.

C. Within thirty (30) days of receipt of an acceptable initial payment CTFP invoice and within sixty (60) days for an acceptable final payment invoice for eligible expenditures, AUTHORITY shall, in accordance with Chapter 10 of the CTFP Guidelines, remit to AGENCY the required reimbursement for applicable planning, environmental, engineering, right-of-way and construction activities.

D. AUTHORITY shall pay Net Revenues allocated for the Local Fair Share Program to eligible AGENCY within sixty (60) days of receipt by AUTHORITY.

E. AUTHORITY shall process any required Federal Transportation Improvement Program (FTIP) amendments, Subject to state and federal regulations and guidelines prepared by the Southern California Association of Governments.

F. At the request of AGENCY, AUTHORITY shall, in accordance with AUTHORITY specification and no cost to the AGENCY excluding installation and removal expenses, provide signage for all construction PROJECT(s) that are in excess of FIVE HUNDRED THOUSAND DOLLARS ($500,000) and exceed a ninety (90) day construction schedule.

G. AUTHORITY, or agents of AUTHORITY, may upon close-out of each PROJECT(s) under this Agreement, perform an audit and or technical review to ensure that CTFP Guidelines policies and procedures were followed. Such audit shall be performed within one hundred and eighty (180) days of AUTHORITY receiving the final report for each PROJECT(s). If the audit or technical review determines that any of the activities performed are ineligible for CTFP funding, AGENCY must return the amount of funding used to perform the ineligible activity to AUTHORITY in accordance with Article 4.G.

ARTICLE 4. RESPONSIBILITIES OF AGENCY

AGENCY agrees to the following responsibilities for PROJECT(s):

A. AGENCY or AGENCY's designee will act as the lead agency for all phases of the PROJECT(s) identified in Attachment A, approved for M2 funding.

B. AGENCY agrees that M2 funding is subject to AGENCY meeting all of the requirements outlined in the M2 Eligibility Guidelines and CTFP Guidelines.

C. AGENCY agrees to implement and complete PROJECT(s) funded under this Agreement in accordance with the CTFP Guidelines, M2 Eligibility requirements and application submitted to AUTHORITY.

D. AGENCY agrees to submit all PROJECT information to the Federal Transportation Improvement Program and OCFundTracker during semi-annual reviews and as requested by the AUTHORITY in accordance with the prescribed deadlines.

E. AGENCY agrees to obligate funds in the programmed year in accordance with the CTFP Guidelines and adhere to any additional requirements identified in any and all Letter Agreement(s) amended hereto.

F. AGENCY agrees to enter into and required Letter Agreement for PROJECT(s) approved by the Board to define specific funding and reporting requirements.

G. AGENCY shall return funds expended on activities, other than those approved by the AUTHORITY's Board of Directors, within thirty (30) day's of AUTHORITY's written demand. Any AGENCY which uses funds for other than transportation purposes shall be deemed ineligible to receive funds for a period of five (5) years.

H. AGENCY agrees to dispose of any acquired right-of-way in excess of the required transportation use. Excess right-of-way must be identified at the time of initial payment submittal and prior to the disposal process. Resolution of any issues regarding whether or not a right-of-way is excess to the transportation improvement will be by the mutual agreement of AUTHORITY and AGENCY. Excess land acquired with CTFP funds shall be sold by AGENCY in accordance with Government Code Sections 54220-54232 and proceeds from the sale shall be returned immediately to AUTHORITY.

I. AGENCY will comply with all federal, state and local laws and regulations, including the Renewed Measure M2 Eligibility Guidelines – Local Agency Preparation Manual and the CTFP Guidelines, which are incorporated herein by reference.

J. AGENCY shall install and remove signage for all competitively awarded construction PROJECT(s) that are in excess of $500,000 and exceed a 90 day construction period in accordance with AUTHORITY specifications during construction period. AGENCY may request AUTHORITY furnished signage or it may choose to provide AGENCY furnished signage so long as said signage conforms to AUTHORTY specifications as follows: Signage shall include a Measure M2 logo that is a minimum of twelve inches (12") tall, an OCTA logo that is a minimum of three inches (3") tall (image files provided by OCTA upon request), verbiage stating "Street Improvements Funded by Measure M" in Myriad Pro, bold condensed font at two hundred and fifty six (256) pt. and "Your dollars at Work" in Myriad Pro, bold condensed font at one hundred and eighty (180) pt.

ARTICLE 5. DELEGATED AUTHORITY

The actions required to be taken by AGENCY in the implementation of this Agreement are delegated to its Director of Public Works, or his/her designee, and the actions required to be taken by AUTHORITY in the implementation of this Agreement are delegated to AUTHORITY's Chief Executive Officer.

ARTICLE 6. AUDIT AND INSPECTION

AUTHORITY and AGENCY shall maintain a complete set of records in accordance with generally accepted accounting principles. Upon reasonable notice, AGENCY shall permit the authorized representatives of the AUTHORITY to inspect and audit all work, materials, payroll, books, accounts, and other data and records of AGENCY for a period of four (4) years after final payment, or completion of audit by the AUTHORITY, or after final payment of debt service where local fair share revenues were pledged, whichever is longer. For purposes of audit, the date of completion of this Agreement shall be the date of AUTHORITY's payment of AGENCY's final billing (so noted on the invoice) under this Agreement. AUTHORITY shall have the right to reproduce any such books, records, and accounts. The above provision with respect to audits shall extend to and/or be included in contracts with AGENCY's contractor(s).

ARTICLE 7. INDEMNIFICATION

A. AGENCY shall indemnify, defend and hold harmless AUTHORITY, its officers, directors, employees and agents from and against any and all claims (including attorney's fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, worker's compensation subrogation claims, damage to or loss of use of property alleged to be caused by the negligent acts, omissions or willful misconduct by AGENCY, its officers, directors, employees or agents in connection with or arising out of the performance of this Agreement.

B. AUTHORITY shall indemnify, defend and hold harmless AGENCY, its officers, directors, employees and agents from and against any and all claims (including attorney's fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, worker's compensation subrogation claims, damage to or loss of use of property alleged to be caused by the negligent acts, omissions or willful misconduct by AUTHORITY, its officers, directors, employees or agents in connection with or arising out of the performance of this Agreement.

C. The indemnification and defense obligations of this Agreement shall survive its expiration or termination.

ARTICLE 8. ADDITIONAL PROVISIONS

A. Term of Agreement: This Agreement shall continue in full force and effect through final acceptance of PROJECT by AUTHORITY, or until March 31, 2041 whichever is later. This Agreement may be extended at the mutual consent of both parties

B. Termination: This agreement is null and void if PROJECT is not awarded. However, AUTHORITY agrees to reimburse AGENCY for any costs incurred up to the official date of notification to AGENCY that PROJECT will not be awarded.

C. AUTHORITY and AGENCY shall comply with all applicable federal, state, and local laws, statues, ordinances and regulations of any governmental authority having jurisdiction over the PROJECT(s).

D. Legal Authority: AUTHORITY and AGENCY hereto consent that they are authorized to execute this Agreement on behalf of said parties and that, by so executing this agreement, the parties hereto are formally bound to the provisions of this Agreement.

E. Severability: If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

F. Counterparts of Agreement: This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile signatures will be permitted.

G. Force Majeure: Either Party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its control, including but not limited to; any incidence of fire, flood; acts of God; commandeering of material, products, plants or facilities by the federal, state or local government; national fuel shortage; or a material act or omission by the other party; when satisfactory evidence of such cause is presented to the other Party, and provided further that such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the Party not performing.

H. Assignment: Neither this Agreement, nor any of the Parties rights, obligations, duties, or authority hereunder may be assigned in whole or in part by either Party without the prior written consent of the other Party in its sole and absolute discretion. Any such attempt of assignment shall be deemed void and of no force and effect. Consent to one assignment shall not be deemed consent to any subsequent assignment, nor the waiver of any right to consent to such subsequent assignment.

I. Obligations To Comply with Law: Nothing herein shall be deemed nor construed to authorize or require any Party to issue bonds, notes or other evidences of indebtedness under the terms, in amounts, or for purposes other than as authorized by local, state or federal law.

J. Governing Law: The laws of the State of California and applicable local and federal laws, regulations and guidelines shall govern this Agreement.

K. Litigation fees: Should litigation arise out of this Agreement for the performance thereof, the court shall award costs and expenses, including attorney's fees, to the prevailing party.

L. Notices: Any notices, requests, or demands made between the parties pursuant to this Agreement are to be directed as follows:

To AGENCY:	To AUTHORITY:
City of Laguna Woods 24264 El Toro Road Laguna Woods, CA 92637	Orange County Transportation Authority 550 South Main Street P.O. Box 14184 Orange, CA 92863-1584
ATTENTION: Douglas C. Reilly, Assistant City Manager/Director of Public Works	ATTENTION: Marvin Cruz, Senior Contract Administrator
Tel: (949) 452-0600 Email: dreilly@lagunawoodscity.org	Tel: (714) 560 – 5568 Email: mcruz@octa.net

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This Agreement shall be made effective upon execution by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-1-2772 to be executed on the date first above written.

CITY OF LAGUNA WOODS

By: ______________________________

Bert Hack, J.D.
Mayor

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: ______________________________

Will Kempton
Chief Executive Officer

ATTEST:

By: ______________________________

Yolie Trippy
Deputy City Clerk

APPROVED AS TO FORM:

By: ______________________________

Kennard R. Smart, Jr.
General Counsel

APPROVED AS TO FORM:
AGENCY Attorney

By: ______________________________

David B. Cosgrove
City Attorney

Dated: ______________________________

APPROVAL RECOMMENDED:

By: ______________________________

Kia Mortazavi
Executive Director, Planning

Dated: ______________________________

AGREEMENT NO. C-1-2772
ATTACHMENT A

M2 CTFP MASTER FUNDING AGREEMENT

City of Laguna Woods - Project List

Project Description	CTFP Amount	Programmed Fiscal Year	Board Date	Letter Agreement No.
No projects awarded under 2010 call				

7.1
CONDITIONAL USE PERMIT: TEMPORARY CHAIN LINK FENCING (CUP-740)

City of Laguna Woods
Agenda Report

FOR: September 21, 2011, City Council Meeting

TO: Honorable Mayor and Council Members

FROM: Douglas C. Reilly, Assistant City Manager DCR

AGENDA ITEM: Conditional Use Permit: Temporary Chain Link Fencing (CUP-740).

Recommendation

A. Receive Staff Report

B. Open Public Hearing

C. Receive Public Comment

D. Close Public Hearing

E. Approve a resolution, granting a conditional use permit to allow temporary chain link fencing with opaque sheeting along El Toro Road for up to three years, entitled:

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

Background

The applicant, Golden Rain Foundation (GRF), is requesting a Conditional Use Permit to allow for the continued use of approximately 320 feet of temporary chain link fencing with opaque sheeting that was installed along the front of the Laguna Woods

Village (Village) Equestrian Center parking lot on El Toro Road. GRF is requesting approval of a permit to maintain the fencing for up to three years from September 21, 2011. This will allow the new landscaping that was planted recently to mature and provide the necessary screening to protect the health, safety and welfare of the users of the Equestrian Center. The temporary fence was installed earlier this year by the County of Orange's contractor during construction of the Moulton Smart Street Project, Phase I, which required removal of existing mature landscaping along this frontage.

Per Section 13.26.180 (g)(10) of the Municipal Code, temporary fencing may be administratively approved, subject to a Temporary Use Permit, for a maximum of two years. Any additional time extensions for chain link or other temporary fencing necessary to protect public health and safety require a Conditional Use Permit.

The temporary chain link fence with opaque sheeting is located along the El Toro Road frontage of the Village Equestrian Center, located at 24312 El Toro Road and designated Urban Activities Center (UAC), per the City's zoning code.

Surrounding Land Uses include the following:

Direction	Zoning	Land Use
North	Community Commercial	Animal Hospital, Arco Station, AM/PM, Laguna Woods Self Storage
South	Community Commercial and Urban Activities Center	Village Maintenance Yard, Village Garden Center #2, Rossmoor Electric
East	Community Commercial	Willow Tree Center, Mobil Station
West	Urban Activities Center	Village Detention Basin

Section 13.24.040 of the Municipal Code defines the process and procedures for reviewing Conditional Use Permits, including the requirements for a public hearing by the City Council. The City Council must consider the impact of the proposed facility on adjacent land uses and is required to make certain findings as defined in the City's Municipal Code.

This application, if approved, would result in the continued temporary screening of the Village Equestrian Center from El Toro Road for up to three years, at which time the fence would be removed.

Discussion

Issue 1: Aesthetics

The temporary chain link fence with opaque sheeting is approximately five feet high and 320 feet in length. Along a portion of the parking spaces fronting El Toro Road, the fencing parallels each parking space in a "zig-zag" pattern, providing a visual break. Additionally, the green sheeting along with the landscaping provides a visual barrier separating the Equestrian Center users from vehicle and pedestrian traffic along El Toro Road.

The proposed facility will not create any significant blockage of public views. It will benefit the City because it will allow growth of mature landscaping as natural screening for the Village Equestrian Center.

The location, size, design and characteristics of the temporary fencing will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.

Issue 2: Safety
Equestrian Center users' safety is an important issue for GRF. Approval of the temporary fencing with opaque sheeting will improve the public health, safety and the general welfare of the Equestrian Center's users by providing screening and allowing natural landscape screening to mature. The temporary chain link fence conforms with standard safety regulations regarding location of footings to ensure that it remains in place.

Issue 3: Other
The proposed facility complies with the conditions of the agreement between the City and the Golden Rain Foundation for acquisition of property and related mitigation measures for the Moulton Smart Street Project, Phase I.

Environmental Review

The proposed project is categorically exempt from the requirements for the preparation of environmental documents under section 15301 "Existing Facilities" of the California Environmental Quality Act.

Fiscal Impact

The City waived the application fee for the conditional use permit because the need for the fence and opaque sheeting was caused by the Moulton Smart Street Project, Phase I, but that cost and the cost of processing the application will be reimbursed from Moulton Smart Street Project funds. The County of Orange's contractor for the Moulton Smart Street Project had the fence installed earlier this year, as part of project mitigation. GRF will pay for the maintenance of the fencing, commencing after the project has been accepted as complete by the County Board of Supervisors, and for its eventual removal.

Land Use and Planning Committee Action

The project was presented to the Land Use and Design Review Committee at the September 8, 2011 meeting. The committee discussed various components of the project. After discussion, the committee voted unanimously to recommend City Council approval of the proposed project, subject to the recommended conditions.

Conclusion

The allowance for temporary chain link fencing and opaque sheeting along the El Toro Road frontage of the Laguna Woods Village Equestrian Center for up to three years will provide time for the newly planted landscaping in front of the fence to mature. Existing landscaping along this frontage was removed to accommodate part of the Moulton Smart Street Project, Phase I, and the replacement landscaping and temporary fence were conditions for acquisition of property for the project. The project is considered Categorically Exempt from the requirements of the California Environmental Quality Act and will not impact surrounding uses. Staff recommends that the Land Use and Design Review Committee (LUDRC) review the proposed facility and recommend approval to the City Council. The Committee's comments will be presented when this application is considered by the City Council at its September 21, 2011 meeting.

Prepared by: D. Drast
Debbie Drasler, City Planner

Approved by: Leslie A. Keane
Leslie A. Keane, City Manager

Attached:
1. Resolution No. 11-XX approving the proposed project
2. Vicinity Map
3. Site Plan
4. Photographs

RESOLUTION NO. 11-XX

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

WHEREAS, the project applicant has requested a Conditional Use Permit to erect a temporary chain link fence with opaque sheeting along El Toro Road for up to three years in order to permit the existing landscaping along El Toro Road to mature and provide the proper screening to protect the health, safety, and welfare of users of the Laguna Woods Village Equestrian Center in accordance with Section 13.26.180 (g)(10) of the Municipal Code; and

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

WHEREAS, the Land Use and Design Review Committee, in a public meeting on September 8, 2011, considered the Conditional Use Permit and recommended City Council approval subject to certain conditions; and

WHEREAS, the City Council held a duly noticed public hearing on September 21, 2011, to consider the Conditional Use Permit; and

WHEREAS, the City Council at such public hearing received comments from all those in attendance wishing to speak; and

WHEREAS, the City Council has considered the information and public testimony presented in the public hearings and in the proposed documents and staff reports, 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 permit application will not result in conditions or circumstances contrary to the public health, safety and the general welfare; and

6. The approval of the permit application is in compliance with all City-required public facilities regulations, and

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 information presented by the applicant, public testimony at the public hearing and staff report analysis, the City Council approves conditional use permit application CUP-740 subject to the following conditions:

GENERAL PROJECT CONDITIONS

1. This permit Conditional Use Permit (CUP-740) is issued to allow temporary chain link fencing with opaque sheeting along El Toro Road for up to three years as approved by the City Council on September 21, 2011. All applicable City standards and conditions of that approval shall be in place unless specifically superseded by the project conditions referenced within.

The temporary chain link fencing with opaque sheeting shall be in conformance with site plans stamped approved on September 21, 2011.

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. In the event a legal challenge to the discretionary approval is successful, and an award of attorney fees is made the challenger, the applicant shall be responsible to pay the full amount of such an award.

5. The conditional use permit is granted for the property as described in the application and shall not be transferable from one parcel to another.

6. The use of the approved temporary chain link fencing with opaque sheeting 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. The applicant and applicant's 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.

<u>PLANNING STANDARD CONDITIONS</u>

8. 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 of any other applicable Federal, State or Local ordinance, regulation or requirements.

9. Except as otherwise provided herein, this permit is approved as a precise plan for the location and design of the temporary chain link fence with opaque sheeting 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 the temporary chain link fence with opaque sheeting 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, he may approve the changed plan without requiring a new public hearing.

10. The site must be maintained free of trash, debris and refuse. All graffiti must be removed within 72 hours.

PLANNING SPECIAL CONDITIONS

11. Signage shall not be permitted on the temporary chain link fencing or opaque sheeting except as permitted by approved sign permits.

BUILDING AND ENGINEERING

12. The approved project shall comply with the provisions of the California Building Code for new buildings and structures applicable at time of construction.

STORMWATER CONDITIONS

13. 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 SEPTEMBER 2011.

BERT HACK, Mayor

ATTEST:

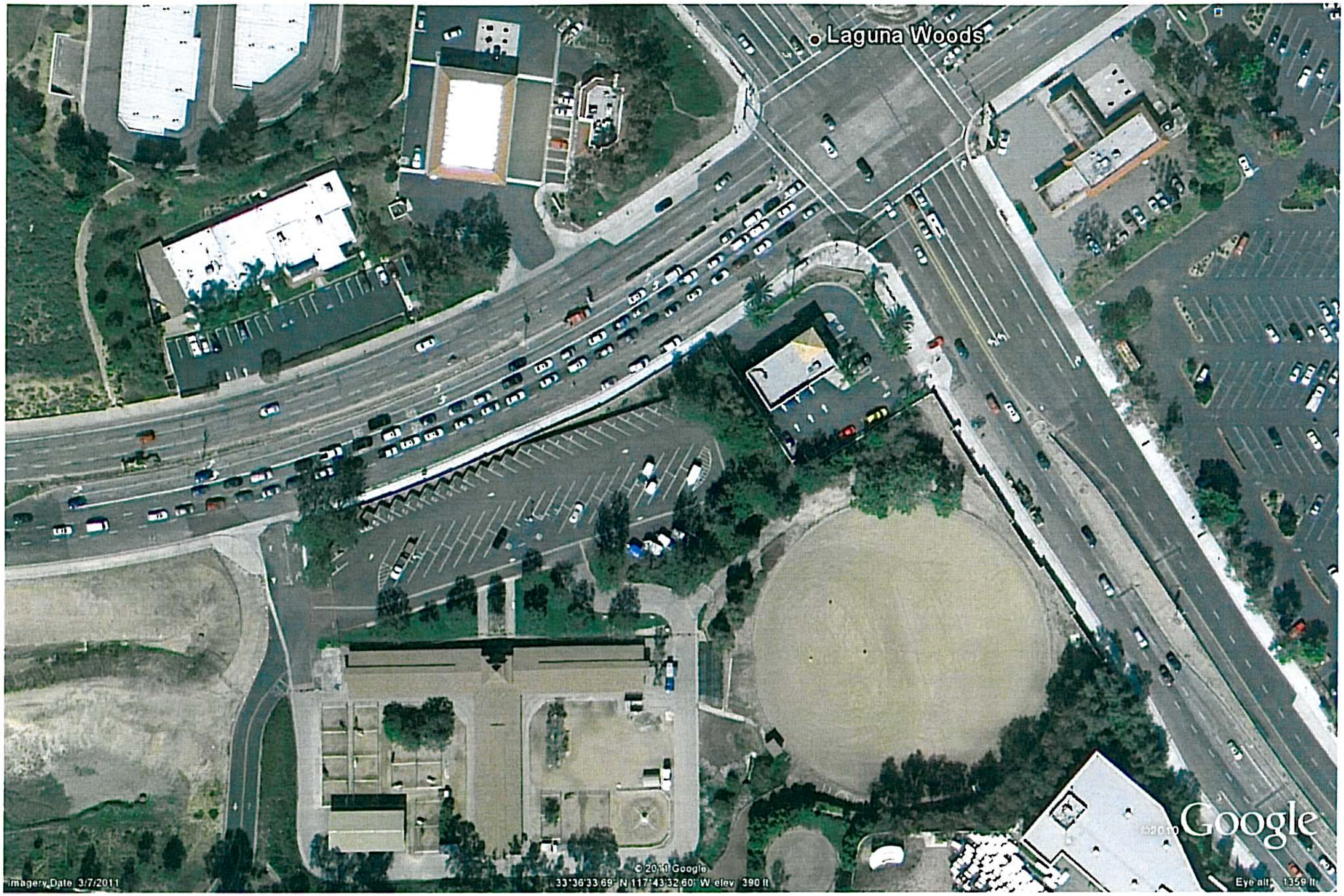
YOLIE TRIPPY, Deputy City Clerk

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

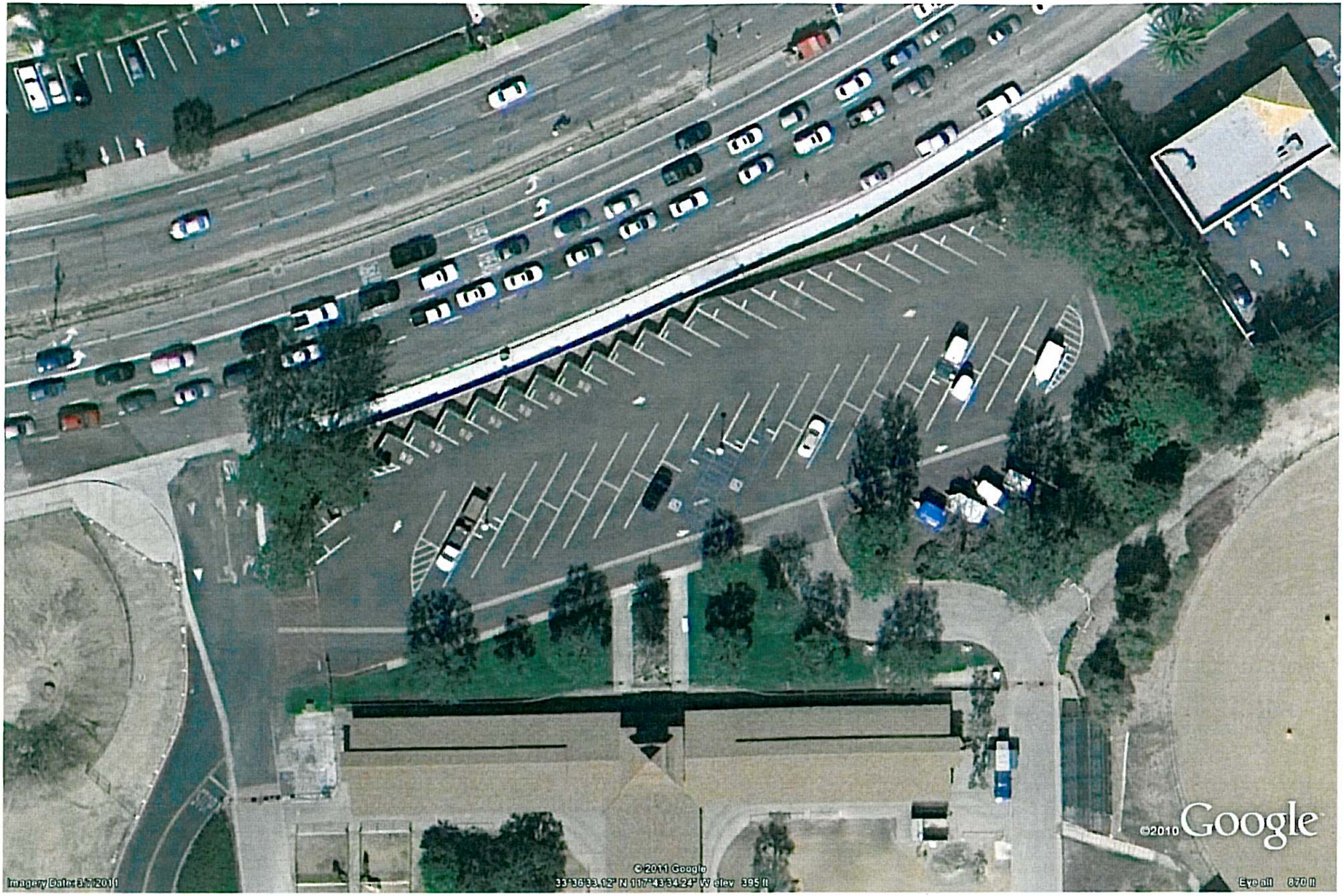
I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 11-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ___ day of September 2011, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk



Attachment 2 Vicinity Map – CUP-740



Attachment 3 Site Plan – CUP-740

8.1
ADVISORY COMMITTEE APPOINTMENTS

City of Laguna Woods
Agenda Report

FOR: September 21, 2011 City Council Meeting

TO: Honorable Mayor and Councilmembers

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Advisory Committee Appointments

Recommendation

Approve proposed nominations to citizen advisory committees.

Background

Administrative Policy 2.1 allows councilmembers to appoint individuals to City advisory committees, subject to ratification by the Council as a whole.

Discussion

The following individual has been nominated for committee membership:

> Land Use and Design Review Committee
> Pat Feeney, Mayor Pro Tem Conners

Councilmembers may make nominations at the meeting. Current advisory committee terms run through December 2012.

Fiscal Impact

Funding for staffing and advisory committee activities is included in the current year budget.

Conclusion

With this appointment, the Public Safety Committee has two vacancies (Mayor Hack and Councilman Robbins); and the Community Services Committee has one vacancy (Mayor Pro Tem Conners).

9.1
FIREARMS DISCHARGE REGULATIONS

City of Laguna Woods
Agenda Report

DATE: September 21, 2011 City Council Meeting

TO: Mayor and City Council Members

FROM: Leslie Keane, City Manager

AGENDA ITEM: Firearms Discharge Regulations

Recommendation

Approve introduction and first reading of an ordinance modifying City regulations for the discharge of firearms, entitled:

> AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 7.06.010 OF THE LAGUNA WOODS MUNICIPAL CODE RELATING TO DISCHARGE OF FIREARMS

Background

At the July 28, 2011 special meeting, the City Council adopted an urgency ordinance that allows the City Manager and Police Chief to issue firearms discharge permits for ceremonial events and for the removal of dangerous animals by professional wildlife specialists.

Discussion

It is a prudent policy to follow-up urgency ordinances with ordinances adopted though the City's regular process – first and second readings and a 30 day wait for the effective date. When the regular ordinance becomes effective it will supersede the urgency ordinance.

The proposed ordinance is identical to the urgency ordinance with the following exceptions:

- The Whereas clauses have been modified to reflect the reason for the ordinance.
- Section 1 proclaiming the urgency has been eliminated and the following sections renumbered.
- New Section 4 (old Section 5) reflects the regular ordinance time frame and notes that the ordinance would become effective 30 days after adoption at a second reading.
- Old Section 6 establishing the CEQA exemption has been eliminated since that is not required for a regular ordinance on this subject matter.

Fiscal Impact

The cost to issue wildlife removal permits is minimal and can be accomplished within the existing Public Safety Department budget. The City would also need to absorb the cost to hire the wildlife experts. Since the enactment of the urgency ordinance, the City has spent approximately $2,500. As we continue to pursue this alternative, this amount may be significantly higher but it is anticipated it can also be absorbed within the existing budget.

Staff proposes to interpret ceremonial weapons discharge permits as special events; the current permit fee for special events is $39.

Conclusion

Re-adoption of this ordinance through the regular legislative process provides more public notice and allows a greater opportunity for public comment. The Council is also able to make modifications to its earlier action. If first reading of this ordinance is approved by the City Council, it would be agendized for adoption at the October Council meeting.

Attachment: Proposed Ordinance

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 7.06.010 OF THE LAGUNA WOODS MUNICIPAL CODE, RELATING TO DISCHARGE OF FIREARMS

WHEREAS, the Laguna Woods Municipal Code contains section 7.06.010 regulating the discharge of firearms within the City; and

WHEREAS, as adopted in 2002, that section did not make provision for the permissible use of firearms to control situations arising from threats of wild animals, at large within the City, who may present threats to persons and property; and

WHEREAS, that section also did not make provisions for ceremonial firings without prior formal authorization of the City Council, and this has often prevented such events; and

WHEREAS, the City Council, acting in response to an emergency situation, adopted urgency ordinance No. 11-05 allowing the City Manager, in conjunction with the City's Police Chief, to issue firearms discharge permits under certain circumstances; and

WHEREAS, the City Council now wishes to confirm and/or modify its prior action using its regular ordinance process;

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

Section 1. Chapter 7.06, Public Safety, section 7.06.010 "Discharge of Firearms," is hereby repealed, in its entirety.

Section 2. A new section 7.06.010, "Discharge of Firearms" is hereby enacted, to read as follows:

Section 7.06.010. - Discharge of firearms.

(a) It shall be unlawful for any person to discharge or cause to be discharged a firearm within the City, except as may be otherwise permitted by State or Federal law. For purposes of this section, the term "firearm" shall mean any rifle, pistol, revolver, handgun, air gun, paintball gun, BB gun, bow, crossbow, slingshot, or any other device of any kind, character, or description which throws, projects, or expels a bullet, arrow, projectile, missile, or similar item or substance by means of force, air, pressure, or explosion, and is likely to cause bodily or property harm. The term "firearm" shall not include tools that use small amounts of air pressure to drive nails, bolts, fasteners, or screws when used for construction purposes.

(b) Subsection (a) of Section 7.06.010 shall not apply to:

(1) A peace officer acting in his or her official line of duty.

(2) Persons who have obtained a written permit from the City Manager for controlled discharges in ceremonial situations. The City Manager may impose any conditions that are deemed necessary or desirable, including, but not limited to, limitations on the duration of the permit, the hours of the permit, the locations where the permit is valid, and the type or caliber of weapons used.

(3) Licensed pest control companies, exterminators, veterinarians, or similar animal control professionals who have obtained a written permit from the City Manager and Police Chief for the control or destruction of dangerous animals. The City Manager and Police Chief may impose any conditions that are deemed necessary or desirable, including, but not limited to, verification of the firearms training or experience of the individuals covered by the permit, limitations on the duration of the permit, the hours of the permit, the locations and surrounding circumstances where the permit is valid, and the type or caliber of weapons used.

<u>Section 3.</u> If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance Amendment, or any part thereof, is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such a decision shall not affect the validity or effectiveness of the remaining portions of this ordinance, or any part thereof. City Council hereby declares it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, without regard to the fact that one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases, are declared unconstitutional, invalid, or ineffective.

<u>Section 4</u>. This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

Section 5. The 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 ****, 2011.

____
BERT HACK, Mayor

ATTEST:

____
YOLIE TRIPPY
Deputy City Clerk

APPROVED AS TO FORM:

____
DAVID B. COSGROVE
City Attorney

State of California)
County of Orange)
City of Laguna Woods)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 11-**** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the ** of ****** 2011, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the ** day of *** 2011 by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

____
YOLIE TRIPPY, Deputy City Clerk

9.2
MULTIMODAL TRAIL GOLF CART USAGE

City of Laguna Woods
Agenda Report

FOR: September 21, 2011 City Council Meeting

TO: Honorable Mayor and Council Members

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Multimodal Trail Golf Cart Usage

Recommendation

A. Approve a resolution permitting golf cart use on multimodal trails, entitled

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION N0. 11-08 AND DESIGNATING GOLF CART PATHS IN THE PUBLIC RIGHT-OF-WAY

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

Background

At its May 18, 2011 meeting, the City Council approved Resolution No. 11-08 allowing golf cart use on the El Toro and Santa Maria multimodal trails. Golf cart usage on the El Toro multimodal trail was approved on a pilot basis for three months only to allow the City to assess the safety of mixing vehicle and pedestrians at this location. Staff was directed to bring this matter back for reconsideration in September.

Discussion

The El Toro Multimodal trail has been open for golf travel since June 1st; although not excessively used, there are golf carts on the trail traveling from the Village Gate 1 and 5 areas to the Valencia and Willow Tree Centers. The majority of the comments staff has received have been positive. Two complaints have been received regarding golf cart speed and failure to yield for other trail users, and several comments regarding golf carts crossing against the light at traffic signals.

If the Council wishes to allow ongoing golf cart usage on the El Toro trail, staff recommends modifications to the signal heads at the two signalized intersections that intersect the trail (St. Nicholas Church and Avenida Sevilla) to assure that golf cart users understand that they need to cross with through traffic, as must pedestrians, and not whenever the intersection is clear.

Fiscal Impact

CARITS funding is available for intersection improvements in the City of Laguna Woods. In the past, these funds have been used for "no right turn on red" signs, signal improvements at the Moulton Parkway and Santa Maria Road intersection and general traffic signal maintenance. The City currently has a balance of $22,369 in this account which could accommodate the proposed expenditure.

Conclusion

The attached resolution would rescind Council's prior resolution allowing temporary golf cart use of the El Toro multi-modal trail and would allow ongoing use of the trail.

Attachment: Resolution

RESOLUTION NO. 11- XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION N0. 11-08 AND DESIGNATING GOLF CART PATHS IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the City of Laguna Woods supports the safe use of alternative vehicles as a means of travel within the City; and

WHEREAS, the City of Laguna Woods General Plan calls for planning, design and construction of paved multi-purpose trails that can accommodate motorized scooters, electric wheelchairs, golf carts and other alternative vehicles; and

WHEREAS, the City Council of the City of Laguna Woods supports connecting alternative vehicle trails between new or existing commercial, institutional and residential destinations;

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

SECTION 1. The following areas of the public right-of-way are designated as multimodal trails on which golf carts are allowed to travel:

A. The Santa Maria multimodal trail on the south side of the street between Via Vista and Moulton Parkway, and on the north side of the street between Moulton Parkway and the entrance to the Moulton Plaza Shopping Center.

B. The El Toro Road multimodal trail on the south side of the street between the Valencia and Willow Tree Shopping Centers.

SECTION 2. Golf car travel shall not be allowed on the above multimodal trails.

SECTION 3. The Deputy City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED on this ___ day of September, 2011.

____
BERT HACK, Mayor

ATTEST:

____
YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 11-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ___ day of September 2011, by the following vote:

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

____
YOLIE TRIPPY, Deputy City Clerk