

AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting
January 20, 2010
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 Rhodes Ring
 Hack, Mayor Pro Tem Robbins, Mayor

IV. PRESENTATIONS

- 4.1 Orange County Transportation Agency (OCTA): Will Kempton, Chief Executive Officer

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 December 2, 2009 adjourned regular meeting and the December 16, 2009 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 December 2009 monthly Treasurer's Report.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the January 20, 2010 Warrant Register in the amount of \$1,026,269.73.

6.5 Floodplain Management Regulations

RECOMMENDED ACTION: Adopt an ordinance modifying current floodplain management regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTER 10.04 OF THE
LAGUNA WOODS MUNICIPAL CODE PERTAINING TO
FLOODPLAIN MANAGEMENT

6.6 Community Services Grants

RECOMMENDED ACTION: Award a \$10,000 community service grant for calendar year 2010 to the Foundation of Laguna Woods.

VII. PUBLIC HEARINGS

None

VIII. CITY COUNCIL

8.1 Sale of the Orange County Fairgrounds (agendized by Councilwoman Conners)

RECOMMENDED ACTION:

- A. Consider sending a letter to the Governor and state legislature opposing the sale of the Orange County fairgrounds, as currently proposed.
- B. Consider sending a letter in support of AB 1590 which would halt the sale of the OC Fairgrounds.

8.2 Greening the Woods Report (agendized by Councilwoman Conners)

RECOMMENDED ACTION: Discuss and give direction to staff regarding the preparation of draft ordinances that would:

- A. Implement a prohibition on the use of restaurant carry out food containers made from polystyrene, effective a year from the date of adoption.
- B. Require that all new residential units be separately metered for water consumption.

IX. CITY MANAGER

9.1 Orange County Taxi Administration Program (OCTAP) Regulations

RECOMMENDED ACTION: Approve a resolution updating regulations for the Orange County Taxi Administration Program (OCTAP), entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, ADOPTING
REVISED ORANGE COUNTY TAXI ADMINISTRATION
PROGRAM REGULATIONS

9.2 No Right Turn at Red Light

RECOMMENDED ACTION: Install “no right turn at red light” signs at the following locations:

Staff and Public Safety Committee:

- A. El Toro Road and Avenida Sevilla westbound, off El Toro Road onto Avenida Sevilla
- B. El Toro Road and Calle Sonora eastbound, off El Toro Road onto Calle Sonora

Staff:

- C. El Toro Road and Town Centre Drive westbound, off of El Toro onto Town Centre

9.3 Redflex Redlight Camera Agreement

RECOMMENDED ACTION:

- A. Approve an amendment to the contract with Redflex Traffic Systems, Inc. to delete the cost neutrality provision, extend the term for one year to July 2011, and establish a new monthly payment for red light camera services at the intersections of Moulton Parkway/El Toro Road and Moulton Parkway/Gate 12.

AND

- B1. Continue use of the California Vehicle Code to determine red light camera violations.

OR

- B2. Approve establishment of administrative citations for red light camera violations.

X. CITY ATTORNEY'S REPORT

- 10.1 Common Law and Political Reform Act

XI. COMMITTEE REPORTS

- 11.1 Transportation Corridor Agencies (Mayor Pro Tem Hack)
- 11.2 Orange County Library Board (Mayor Robbins)
- 11.3 Orange County Fire Authority (Councilmember Rhodes)
- 11.4 Southern California Water Committee (Mayor Pro Tem Hack)
- 11.5 Coastal Greenbelt Authority (Councilmember Conners)
- 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 (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. January California League of Cities/OC Division Meeting –
January 14, 2010 (Robbins, Hack, Connors, 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, February 17, 2010 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.

**6.1-6.6
CONSENT CALENDAR
SUMMARY**

City of Laguna Woods Agenda Report

FOR: January 20, 2010 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 January 20, 2010 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 January 20, 2010 Consent Calendar contains the following six items:

- 6.1 Approval of the minutes from the December 2, 2009 adjourned regular meeting and the December 16, 2009 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 December 2009 monthly Treasurer’s Report. This report identifies the City’s current liquid assets and their location. At the end of December, the City had approximately \$10 million in cash on hand and in other liquid assets.
- 6.4 Approval of the January 20, 2010 Warrant Register, as submitted, in the total amount of \$1,026,269.73. Of this amount, \$535,960 relates to capital improvement projects – final payment for Ridge Route linear park and the El Toro pavement rehabilitation project. A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Finance Manager’s office.
- 6.5 Adoption of an ordinance revising the City’s floodplain management regulations so that they are consistent with current federal regulations. The City Council introduced and approved first reading of this ordinance at its December 16, 2009 meeting. If adopted, the ordinance would become effective on February 19, 2010.
- 6.6 Award of a \$10,000 community services grant to the Foundation of Laguna Woods. Due to a misunderstanding about their eligibility, the Foundation did not submit an application for 2010 funding. At its December 16, 2009 meeting, the City Council discussed the merits of the program and directed staff to accept a late application. The grant application submitted by the Foundation meets the criteria established by the City Council for Community Services Grants and the staff is recommending approval. The Foundation proposes to use City funding to provide temporary emergency aid to residents of Laguna Woods Village.

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 January 20, 2010 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
ADJOURNED AND REGULAR MEETINGS**

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
December 2, 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

Sergeant Nancy Wilkey, Orange County Sheriff's Department, led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Conners, Rhodes, Robbins, Ring
 ABSENT: Hack

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

IV. CONSENT CALENDAR

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve Consent Calendar Items 4.1 – 4.3.

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 Development Impact Fees Annual Report

Received and filed the Development Impact Fees Annual Report.

4.3 Investment Policy

Approved **Resolution No. 09-26** ratifying the City's 2008 Investment Policy, entitled:

A RESOLUTION OF THE CITY OF THE CITY COUNCIL OF THE
CITY OF LAGUNA WOODS, CALIFORNIA, ACKNOWLEDGING
THE REVIEW, RECEIPT AND FILING OF THE ANNUAL
STATEMENT OF INVESTMENT POLICY

V. PUBLIC HEARINGS

5.1 Sprint/Nextel Cell Tower Modifications (CUP-580)

City Planner Drasler summarized the agenda report.

Councilmember Conners asked if the pine needle antenna socks would be placed on all of the panels or only on existing panels.

City Planner Drasler responded that they would be placed on the existing panels that are owned by Sprint. She stated that the owner of the existing mono-pine expressed concern with Project Condition #7 and that after discussing it with him, he is agreed to the condition.

Glenn Dietz, consultant for Sprint/Nextel, explained the ownership of the mono-pine.

Councilmember Rhodes asked for clarification on the reference to "Royal Street" in the agenda report.

Mr. Dietz explained that Royal Street is also known as Metro PCS, which is another cell carrier that leases space on the mono-pine.

City Manager Keane clarified that the reference to Royal Street had to do with a previous conditional use permit. They are not a part of the application that is being considered.

Councilmember Conners asked who is responsible for installing mono-pine branches.

Mr. Dietz responded that the owner of the pole will be approached about beautification requirements for the non-Sprint/Nextel portions of the pole. Any new installations from Sprint/Nextel would include the camouflaged branches.

Councilmember Conners asked if Mr. Dietz is confident that the owner would authorize Sprint/Nextel to install additional branches.

Mr. Dietz responded affirmatively.

City Manager Keane clarified that the City has the right to ask that the pole be beautified and that the owner would be prevented from new leases unless conditions are met.

Councilmember Rhodes noted that the owner would incur costs by beautifying.

City Manager Keane responded that it is not the City's issue.

Councilmember Conners clarified that if the owner wants the lease income, they have to allow Sprint/Nextel to install the additional branches.

City Manager Keane concurred and noted that the owner could also install the branches themselves.

City Planner Drasler reiterated that she spoke with a representative from the pole's owner

and stated that they are aware of the conditions and raised no concerns.

Councilmember Conners asked if the coverage maps included with the agenda report are for all antennas in the City or only Sprint/Nextel antennas.

Mr. Dietz responded that they only include the Sprint/Nextel antennas.

City Manager Keane commented on Sprint/Nextel's coverage in the City and stated that staff is hopeful that this will improve local coverage for their customers.

Mr. Dietz discussed increasing cellular service demands.

Councilmember Conners asked if there are other cell towers in the City.

City Manager Keane stated that there are and that locations include the top of the Laguna Woods Village Towers and several churches.

Mr. Dietz noted that he is preparing an additional conditional use permit application for a site owned by the Golden Rain Foundation.

The public hearing was opened.

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

Councilmember Rhodes asked if beautification requirements are included in the proposed conditional use permit.

City Manager Keane indicated that the beautification requirements are included in the conditions attached to the proposed resolution. Approval of the resolution would include approval of the conditions.

Mayor Ring explained that the conditions are a requirement for approval.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried 4 to 0 to approve **Resolution No. 09-27** authorizing a conditional use permit that allows an expansion of an existing Sprint/Nextel Wireless facility within the compound of the El Toro Water District, 24141 Moulton Parkway, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 580 FOR THE EXPANSION OF AN EXISTING SPRINT/NEXTEL WIRELESS FACILITY ON AN EXISTING MONO-PINE LOCATED WITHIN THE WATER TANK FACILITY OF THE EL TORO WATER DISTRICT, 24141 MOULTON PARKWAY

5.2 Temporary Signs

City Manager Keane summarized the agenda report and noted that Vintage Senior Living

submitted a letter requesting that the City Council reconsider allowing e-mail addresses, telephone numbers, and website addresses on banner signs. She reiterated the rationale, related to traffic safety, for not allowing that information on banner signs.

Councilmember Conners stated her support for the restrictions.

The public hearing was opened.

Mayor Ring reiterated that a letter was received from Vintage Senior Living.

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

Moved by Councilmember Conners, seconded by Mayor Pro Tem Robbins, and carried 4 to 0 to adopt **Ordinance No. 09-09** 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

Mayor Ring asked for confirmation that each banner permit requires a \$39 permit fee and suggested that the next time the sign regulations are updated, the fee should be examined to ensure that it covers the City's costs.

City Manager Keane explained that approximately \$18 of the \$39 permit fee covers the processing of the permit. The remainder is used to cover the cost of enforcement. She noted that the City has a very aggressive code enforcement program for banners.

Councilmember Rhodes asked if the regulations have any effect on individual home owners who display "for sale" signs.

City Manager Keane responded that they do not, but that other regulations in the City's temporary sign ordinance apply to individual home owners.

VI. CITY COUNCIL – None

VII. CITY MANAGER

7.1 Moulton Parkway Smart Street Improvements

Assistant City Manager Reilly summarized the agenda report.

City Manager Keane noted that a contract had previously been awarded to RRM Design Group, but that after unsuccessful negotiations, staff is recommending that it be rescinded.

Councilmember Conners asked if the project's landscape design will comply with the water efficient landscape regulations.

City Manager Keane stated that the amount of landscaping in the project is under the threshold of the regulations, but that the City Council has expressed a commitment to ensuring that water efficient landscaping is included in the project.

Councilmember Conners asked City Attorney McEwen if declaring portions of the streets to be County property during construction would insulate the City from liabilities related to traffic accidents.

City Attorney McEwen stated that it would.

Assistant City Manager Reilly noted that when the City contracts with the County for street or traffic signal maintenance, they also assume liability for those operations.

Councilmember Conners inquired as to who is responsible for providing law enforcement during construction.

City Manager Keane stated that there would be no change to public safety services and explained the shared nature of Orange County Sheriff's Department services. She does not expect a decrease in the costs of those services during construction.

At Mayor Ring's request, Assistant City Manager Reilly reviewed the project's schedule and stated that he expects the work in the City to last approximately nine-months. Rain is a concern and would delay the project. Landscaping inside the walls of Laguna Woods Village would be done as part of the hardscape construction. Landscaping in the public right-of-way would take place in 2011.

Mayor Ring asked if the agenda needs to specify that the contract with RRM Design Group is being rescinded.

City Manager Keane clarified that the contract with RRM Design Group was not signed and that the award of a contract to David Evans and Associates, Inc. would effectively rescind the RRM Design Group contract. She also clarified that the Laguna Hills work on El Toro Road will end at Santa Maria Avenue on the west side. On the east side, the work will end at the edge of the El Toro Water District Property because negotiations were not concluded regarding the impact on the Laguna Woods Village Garden Center.

Assistant City Manager Reilly added that the northbound left-turn pocket for Santa Maria traffic is included in the project.

Mayor Ring asked about removing the shrubs next to the Garden Center.

City Manager Keane responded that property would be in the next phase of the project.

City Manager Keane asked for clarification on turning over Via Campo Verde to the County of Orange during construction, since it is a privately owned street.

Assistant City Manager Reilly clarified that only a small portion of the Via Campo Verde return that is within the City limits would be turned over.

City Manager Keane asked if that was clear in the resolution.

Assistant City Manager Reilly responded that it is.

Moved by Councilmember Rhodes, seconded by Mayor Pro Tem Robbins, and carried 4 to 0 to:

A. Authorize the City Manager to execute an amendment to the agreement with the County of Orange for implementation of the Moulton Parkway Smart Street project to allocate Measure M funds awarded to the City for the project, subject to approval of the agreement as to form by the City Attorney.

B. Award a contract to David Evans and Associates, Inc. for landscape architectural services for Moulton Parkway in the amount of \$133,245, plus authorized change orders not to exceed 15% 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.

C. Approve **Resolution 09-28** declaring portions of Moulton Parkway, El Toro Road, Santa Maria Avenue and Ridge Route Drive to be County highways during the period of construction of the Moulton Smart Street Project, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DECLARING PORTIONS OF MOULTON PARKWAY, SANTA MARIA AVENUE, RIDGE ROUTE DRIVE, EL TORO ROAD AND VIA CAMPO VERDE, LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS, TO BE COUNTY HIGHWAYS DURING THE PERIOD OF CONSTRUCTION OF THE MOULTON SMART STREET PROJECT

VIII. CITY ATTORNEY'S REPORT

City Attorney McEwen discussed a conflict of interest issue related to Common Law and the Political Reform Act. He suggested scheduling it for discussion at a future meeting.

The consensus of the City Council and City Manager was to schedule the discussion for the January meeting due to the large number of items on the December 16, 2009 agenda.

IX. PUBLIC COMMENTS – None

X. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

Councilmember Rhodes discussed the Orange County Fire Authority's red flag program.

City Manager Keane noted that the program applies to wildland interface areas only; the City's CERT program provides red flag patrols during red flag alerts.

Councilmember Rhodes encouraged residents to visit the Laguna Coast Wilderness Park

website for activity information: www.ocparks.com/lagunacoast.

Mayor Pro Tem Robbins announced that the next Orange County Public Library Board meeting is scheduled for December 7, 2009.

Mayor Ring commended the El Toro Road Pavement Rehabilitation Project contractor for their ability to keep traffic flowing smoothly.

Assistant City Manager Reilly stated that the project should be completed by the end of the week.

City Manager Keane noted that Councilmember Connors was working with the Kiwanis Club cleanup crew and noticed that the El Toro Road Pavement Rehabilitation Project contractor was not removing the tape pieces used for striping. The issue was addressed with the contractor.

XI. ADJOURNMENT

The meeting was adjourned at 2:50 p.m. The next meeting will be at 2:00 p.m. on December 16, 2009 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California.

YOLIE TRIPPY, Deputy City Clerk

Adopted: January 20, 2010

MILT ROBBINS, Mayor

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
December 16, 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

Hasan Ikhata, Executive Director, Southern California Association of Governments, led the flag salute.

III. ROLL CALL

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

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

IV. PRESENTATIONS

4.1 Community Civic Association: Staff and Volunteer Appreciation Day

George Henderson, on behalf of the Community Civic Association, thanked the City Council and staff for their service to the community.

4.2 Sustainable Community Strategies: Hasan Ikhata, Executive Director, Southern California Association of Governments (SCAG)

Mr. Ikhata reviewed a PowerPoint presentation outlining demographic changes in Orange County and the possible effects on the future of the City.

Councilmember Hack thanked Mr. Ikhata for his presentation and noted the effect on the City of Laguna Woods.

Corkey Eley, resident, asked how she could obtain a copy of Senate Bill 375 and stated that, in her opinion, the issue was not relevant to the City due to its demographics.

Mr. Ikhata stated that he could provide City staff with a copy of Senate Bill 375 via e-mail. He concurred with Councilmember Hack's comments that while the changes may not have significant impacts on Laguna Woods, there will be some impact.

Mayor Ring stated that new and retrofit construction is certain to be affected by SB 375.

Councilmember Hack clarified that Mr. Ikhata's presentation noted that the availability of income is necessary for future generations to afford the resale of properties. He cited the number of empty manors as one way that the City is directly affected.

Mr. Ikhata discussed home sales and their relation to sustaining the quality of life in Southern California.

Jim Juhan, resident, stated that if the community continues to market itself as it has in the past, it will not attract future generations of buyers.

Mr. Ikhata concurred with Mr. Juhan's comments and thanked the City Council for the opportunity to make his presentation.

4.3 Laguna Woods Green Building Certification Program

City Manager Keane summarized the agenda report and recommended minor wording clarifications on several practices (1-18, 1-19, and 1-25) and deleting Practice 3-9 as it is no longer appropriate. She also reviewed the performance of the environmental fund.

Mayor Ring proposed to amend the resolution and name of the program to reinsert the term "voluntary," which was removed by the Land Use and Design Review Committee.

Councilmember Conners clarified that the title of the resolution would be revised to add the term "voluntary" before "Green Building Certification" and the body of the resolution would be similarly revised.

Moved by Councilmember Hack, seconded by Councilmember Conners, and carried unanimously to approve the initiation of a green building certification program, effective February 1, 2010;

AND

Approve **Resolution No. 09-33** establishing fees for residential green building certification, as amended to include the term "voluntary" in the title and body, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, ESTABLISHING FEES FOR
VOLUNTARY GREEN BUILDING CERTIFICATION

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

Moved by Councilmember Hack, seconded by Councilmember Conners, and carried unanimously to approve Consent Calendar Items 6.1 – 6.4.

6.1 City Council Minutes

Approved the minutes from the November 18, 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 November 2009 monthly Treasurer's Report.

6.4 Warrant Register

Approved the December 16, 2009 Warrant Register in the amount of \$435,825.42.

VII. PUBLIC HEARINGS

7.1 San Sebastian Condominium Development

City Manager Keane provided the City Council with a new proposed project condition and summarized the agenda report. The new proposed project condition requires the 119 market rate units to be owner-occupied for at least one year when they are initially sold.

Mayor Ring stated that he and Councilmember Hack met with the applicant recently to discuss the project and proposed conditions.

Councilmember Rhodes asked if the applicant has comments on the proposed conditions.

City Manager Keane responded that the applicant is aware of the proposed conditions and has agreed to the requirement that the 119 market rate units would be owner occupied for at least one year.

The public hearing was opened.

City Manager Keane noted that the City received a letter from United Mutual that was supportive of the 30-year deed restriction and indicated that while they would prefer that the project be for-sale, they are not opposed to the temporary lease proposal. Their letter was received before the staff recommendation of a 45-year deed restriction was noted.

Clinton Fuller, President of the Urban Division for Standard Pacific Homes, explained his company's proposal and discussed the circumstances surrounding the project.

City Manager Keane asked Mr. Fuller if Standard Pacific Homes is willing to increase the number of low-income units from 15 to 17, to deed restrict the project as senior housing for 45 years and to provide the affordable units for 45 years.

Mr. Fuller responded that they would agree to these conditions as well as the others noted

in the resolution.

Councilmember Rhodes asked Mr. Fuller if Standard Pacific intends on remaining the owner of San Sebastian or if they are looking to sell it to a management company.

Mr. Fuller replied that they are considering selling the project.

City Manager Keane clarified that Standard Pacific is able to sell at their discretion.

Councilmember Rhodes asked if units could be sold and leased, at the same time.

Mr. Fuller explained that from an economics standpoint, it would be not be beneficial to offer both options at the same time.

City Manager Keane noted that the regulatory agreement does not allow both options at once and that the current proposal is to lease the property. The only exception is for low-income tenants when the project switches from a lease to for-sale project. Low-income tenants would be allowed to remain until they voluntarily terminate their lease.

Councilmember Hack explained his early opposition to the project, but noted that he does not want the property to become subject to vandalism or detract from the overall City aesthetics. He also explained his support for the owner-occupancy restriction and the eventual ability of individuals to own their units. He asked City Attorney McEwen for a comment on the proposed owner-occupancy restriction.

City Attorney McEwen explained that the enforceability of the restriction will depend on whether the restriction reasonably advances a legitimate government interest. He stated that based on the information in the record, the restriction is reasonable.

Corkey Eley, resident, asked for clarification on who the regulatory agreement is between.

City Manager Keane stated that the regulatory agreement is between the City and the property owner of record.

Ms. Eley asked what the regulatory agreement consists of.

City Manager Keane indicated that copies are available in the back of the room.

Ms. Eley asked how the City proposes to ensure that the property owner of record will abide by the rules of the Declaration of Covenants, Conditions, and Restrictions.

City Manager Keane explained the major components of the regulatory agreement and stated that the agreement is enforceable.

Ms. Eley asked who would enforce the regulatory agreement and asked for assurance.

City Manager Keane responded that the City would enforce the regulatory agreement.

Mrs. Hemmelstein, resident, asked if the regulatory agreement would continue to apply to future owners of the property.

City Manager Keane stated that the agreement runs with the land.

Mrs. Hemmelstein asked for clarification that the entire property would be for seniors.

City Manager Keane stated that the property would be deed restricted for seniors for 45-years.

Mrs. Hemmelstein stated that she is leery of the project and feels very unprotected due to the height of the perimeter fences.

City Manager Keane stated that she would be happy to show Mrs. Hemmelstein the sections of the regulatory agreement that include the age restriction.

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

Councilmember Conners agreed with Councilmember Hack that despite the controversy, the City must do what it can to make this development successful. In light of the economy, she believes that the City has done everything that it could to aid the builder in marketing the property while preserving the nature of the community.

City Manager Keane stated that the title of the resolution needs to be amended to change "15 affordable units" to "17 affordable units" and add new condition 17-J, which was provided in writing to the City Council.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins and carried unanimously to approve **Resolution No. 09-29** modifying conditions of approval for the San Sebastian Project, as amended, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT (CUP-243) AND SITE DEVELOPMENT PERMIT (SP-242) FOR A 134 UNIT SENIOR RESIDENTIAL CONDOMINIUM DEVELOPMENT WITH 17 AFFORDABLE UNITS DESIGNATED FOR LOWER INCOME RESIDENTS LOCATED AT 23522 PASEO DE VALENCIA (LOT 1 TRACT 16835)

City Manager Keane stated that the density bonus housing agreement and the regulatory agreement need to be amended to increase the 15 low-income units to 17 and the deed restriction period from 30-years to 45-years.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to approve the Amended and Restated Density Bonus Housing Agreement with Standard Pacific Homes, and authorize the Mayor to execute the agreement subject to approval as to form by the City Attorney, as amended.

AND

Approve the Regulatory Agreement and Declaration of Covenants and Restrictions between the City of Laguna Woods and property owner of Record, as amended, and authorize the City Manager to execute the agreement subject to approval as to form by the City Attorney.

7.2 Water Efficient Landscape Regulations

Special Projects Manager Macon summarized the agenda report.

Mayor Ring congratulated staff and those responsible for modifying the State's model regulations to meet the needs of the community.

The public hearing was opened.

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

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried unanimously to adopt **Ordinance No. 09-10** establishing water efficient landscape regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING THE LAGUNA WOODS MUNICIPAL
CODE TO ESTABLISH WATER EFFICIENT LANDSCAPE
REGULATIONS

AND

Approve **Resolution No. 09-30** establishing guidelines for implementation of the water efficient landscape Ordinance No. 09-10, entitled:

A RESOLUTION OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING GUIDELINES FOR
IMPLEMENTATION OF THE WATER EFFICIENT LANDSCAPE
ORDINANCE

VIII. CITY MANAGER

8.1 Cortese Properties, Inc. Offer to Convey Property

City Manager Keane summarized the agenda report and noted that staff has received communication from Third Mutual and Professional Community Management (PCM) recommending that the City acquires the property in the vicinity of Santa Vittoria.

Councilmember Hack asked City Manager Keane to clarify the difference between the Laguna Village Homeowner's Association and Laguna Woods Village.

City Manager Keane explained that the Laguna Village Homeowner's Association is located in the City of Laguna Hills and is not the same as Laguna Woods Village. Councilmember Hack noted that the advantage of acquiring the property is that the City would have control over it and that the disadvantage may be that it is out of sight and could be a place for teenagers to congregate. Having received communications from Third Mutual and PCM, he feels that there is a net benefit and is supportive of it.

Phil Bettencourt, President of Cortese Properties, expressed his support for the staff recommendation.

Corkey Eley, resident, asked which property is being given away by Third Mutual and why the City would consult with PCM.

City Manager Keane clarified that the property is not being given away by Third Mutual. It borders Third Mutual and so the acquisition was discussed with them; and, that it is the City's policy to discuss proposals with all those it might affect.

Councilmember Conners explained that the property is owned by Cortese Properties and explained the reasons the City might consider acquisition beneficial.

Councilmember Rhodes stated that the property is not being acquired for development and that it would be maintained in good condition.

City Manager Keane stated that there is no agreement in place with the Laguna Village HOA to continue maintaining the property, but that the City would approach them. They have not indicated that they would not continue to maintain the property.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve **Resolution No. 09-31** accepting the conveyance of real property from Cortese Properties, Inc., entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AND ACCEPTING A GRANT DEED FOR THE CONVEYANCE OF REAL PROPERTY FROM CORTESE PROPERTIES, INC.

Mr. Bettencourt thanked the City Council and staff.

Mayor Ring asked if there were any additional remnant pieces of land.

Mr. Bettencourt replied that he does not believe there are.

8.2 Floodplain Management Regulations

Special Projects Manager Macon summarized the agenda report.

Moved by Mayor Ring, seconded by Councilmember Conners, and carried unanimously to approve the introduction and first reading of an ordinance modifying current floodplain

management regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTER 10.04 OF THE LAGUNA
WOODS MUNICIPAL CODE PERTAINING TO FLOODPLAIN
MANAGEMENT

8.3 2010 Community Services Organization Grants

City Manager Keane announced that Mayor Ring and Councilmember Rhodes serve on the Board of Directors for one of the applicants and asked that City Attorney McEwen explain his opinion on their participation in this agenda item.

City Attorney McEwen stated that Government Code Section 1090 prohibits the City from entering into contracts in which a member would have a conflict of interest. While Mayor Ring and Councilmembers Rhodes have no such conflict of interest, they do have remote interests as described in Government Code Section 1091. He recommended that they step outside while the discussion and vote takes place on recommendation "A".

Mayor Ring also stated that he read the applicant's preliminary proposal.

Mayor Ring and Councilmember Rhodes left the meeting.

Assistant City Manager Reilly summarized the agenda report.

Councilmember Hack expressed an interest in supporting the American Lung Association. He encouraged them to submit an application in the future.

Councilmember Conners asked if the Trauma Intervention Program (TIP) is a division or subset of any other entity.

Assistant City Manager Reilly responded that TIP is a national organization that receives some funding from public agencies and operates mostly with volunteers.

City Manager Keane stated that TIP does receive annual funding from the City to provide basic services and that this grant would be for an additional local training program.

Moved by Councilmember Hack, seconded by Councilmember Conners, and carried unanimously to award \$65,000 in competitive Community Services grants to six grantees: The Braille Institute (\$20,000), South County Outreach (\$20,000), Trauma Intervention Program (\$5,000), Laura's House (\$5,000), Dayle McIntosh Center (\$5,000), and Laguna Canyon Foundation (\$10,000).

Mayor Ring and Councilmember Rhodes returned to the meeting.

Moved by Councilmember Conners, seconded by Councilmember Hack, and carried unanimously to award \$75,000 in Community Services grants to South County Senior Services for:

- Adult Day Health Care - \$22,500
- Transportation Services - \$22,500
- General operations at Florence Sylvester Memorial Senior Center - \$30,000

City Manager Keane stated that there was a misunderstanding about the ability of organizations that only serve Laguna Woods Village residents to apply for grants. The Laguna Woods Village Foundation did not submit an application, but would have applied if they thought they were eligible. She noted that there is \$10,000 remaining from the amount allocated for this year's Community Services grants. If the City Council would like to award a grant to the Foundation, it could appear on the consent calendar for the January meeting. She stated that the Foundation probably serves more residents in the City than any other organization that was awarded funding this year.

Mayor Ring stated that he would be supportive of awarding such a grant.

Councilmember Conners expressed her support and asked if it would be appropriate for the grant to appear on next month's consent calendar or if the Foundation should submit an application and go through the committee process.

City Manager Keane stated that it could be done either way and that they would still be required to submit an application and complete the same paperwork as other grantees. She explained that grant funds are distributed quarterly.

City Attorney McEwen agreed that it could be done either way.

Mayor Pro Tem Robbins proposed awarding \$10,000 to the Foundation.

City Manager Keane indicated that no action is necessary at this time, although if any of the members of the City Council objects, the item will appear on the January meeting agenda as a discussion item and not a consent calendar item. She also noted that items on the consent calendar may be pulled by councilmembers, staff or interested individuals for discussion.

Councilmember Hack stated that there is consensus for it to appear as a consent item.

Ruth May, resident, on behalf of the Laguna Woods Village Foundation, thanked the City Council for their consideration.

8.4 Energy Efficiency And Conservation Block Grant Application

Assistant City Manager Reilly summarized the agenda report.

Councilmember Rhodes asked if the lumen output is approximately the same for lights with reduced wattages and existing lights. He also asked if the replacement of windows would include both the first and second floors.

Assistant City Manager Reilly responded affirmatively to both questions.

Councilmember Conners commented on the use of LED traffic lights and asked about the total cost of the proposed improvements.

Assistant City Manager Reilly stated that the estimate provided by the energy consultant is around \$100,000 and that staff is looking to work with Southern California Edison to use rebates to defray the cost.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Rhodes, and carried unanimously to approve **Resolution No. 09-32** authorizing the City to apply for an Energy Efficiency and Conservation Block Grant from the California Energy Commission, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, AUTHORIZING AN
APPLICATION FOR ENERGY EFFICIENCY AND CONSERVATION
BLOCK GRANT FUNDING

8.5 City Hall Fumigation

City Manager Keane stated that this issue requires immediate attention. She also expressed concern about protecting the bee hives on the roof of City Hall.

Assistant City Manager Reilly summarized the agenda report and explained the process for protecting the bee hives. He noted that no one will be able to enter City Hall between December 24 and December 28, 2009.

City Manager Keane discussed the success of the City's bee hive program.

Councilmember Rhodes asked if there have been bee sightings inside the building since the bee hives were installed on the roof.

City Manager Keane noted that several locations have been sealed and that she hopes that the hives keep the majority of the bees out of the building.

Councilmember Conners asked if the fumigation will take care of the bees that do not leave with the bee hives.

City Manager Keane responded that it would.

Councilmember Conners asked how the bees will be removed.

Assistant City Manager Reilly explained that they will be removed through the building.

City Manager Keane noted that the elevator has been fixed.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to allocate \$8,500 from the FY 09-10 Council Contingency reserve for fumigation of City Hall.

IX. CITY ATTORNEY'S REPORT

City Attorney McEwen wished everyone happy holidays.

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack announced that the improvements to the northbound 73 will open by the end of the month.

10.2 Orange County Library Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins announced that the next meeting is December 17, 2009.

10.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes announced that Station 22 is accepting toys for needy children. He recommended changing the batteries in smoke detectors at the start of the year. The OCFA Customer Satisfaction Survey for Laguna Woods resulted in a 97.58% approval rating. Brea and Fountain Valley are considering contracting with OCFA for emergency medical services. The next meeting is January 28, 2010.

10.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack noted that the Governor has proposed five water bills. The State Water Project allocations for the forthcoming year only grant Southern California 5% of its needs, which is the lowest amount in the 67 year history of the State Water Project.

10.5 Coastal Greenbelt Authority (Councilmember Conners)

Councilmember Conners announced that the next meeting will be in January 2010.

10.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes announced that the City of Laguna Beach has been given a gift of 96 acres of wilderness property. It is expected that a shade sail will be installed at the Nix Nature Center in the first quarter of 2010. The volunteer holiday party was a success. The Foundation will be assisting the City of Laguna Beach with a survey to gauge interest in establishing another 20 million bond for open space acquisition. There will be a Board of Directors retreat on January 12, 2010.

10.7 Vector Control District Board (Board Member Bouer)

Board Member Bouer announced that there is no vector activity in the community. He read a letter commending the service of the City's vector control inspector.

XI. PUBLIC COMMENTS – None

XII. CITY COUNCIL

12.1 Council Reorganization – Office of the Mayor

Outgoing Mayor Ring made remarks about the accomplishments of the City over the past year and decade. He thanked the community and City Council for their support.

Moved by Councilmember Hack, seconded by Councilmember Conners, and carried unanimously to appoint Mayor Pro Tem Robbins to serve as Mayor for the period December 2009 to December 2010.

Mayor Robbins thanked the City Council, staff, and volunteers, and made remarks about his hopes for the coming year.

12.2 City Council Reorganization – Office of Mayor Pro Tem

Moved by Councilmember Ring, seconded by Councilmember Conners, and carried unanimously to appoint Councilmember Hack as Mayor Pro Tem to serve for the period December 2009 to December 2010.

12.3 Reports on Meetings Attended (Government Code §53232.3)

Councilmember Rhodes was unable to attend the OC Firefighters Thanksgiving Lunch.

12.4 Other Comments and Announcements

Councilmember Conners announced the opening of the Forrester Trail near the San Juan Capistrano landfill. She also commended staff for the Wood Works newsletter and their ability to identify and pursue grant funding.

City Manager Keane acknowledged Community Services Manager Foley's efforts related to pursuing Energy Efficiency and Conservation Block Grant funds.

Councilmember Rhodes commended Claire Webb, Community Reporter for the Laguna Woods Globe, for her efforts in promoting the community.

Mayor Pro Tem Hack and Mayor Robbins wished everyone happy holidays.

XIII. CLOSED SESSION – None

XIV. ADJOURNMENT

The meeting was adjourned at 4:23 p.m. The next meeting will be at 2:00 p.m. on January 20, 2010 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California.

YOLIE TRIPPY, Deputy City Clerk

Adopted: January 20, 2010

MILT ROBBINS, Mayor

6.2
WAIVE READING OF ORDINANCES AND
RESOLUTIONS
(No Report)

6.3
TREASURER'S REPORTS

City of Laguna Woods

Treasurer's Report

December 31, 2009

CASH ON HAND

1. Investments/General Fund

Local Agency Investment Fund	\$	9,861,766
		9,861,766
Subtotal	\$	9,861,766

2. Investments/Transportation Fund

Local Agency Investment Fund	\$	412,864
		412,864
Subtotal	\$	412,864

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

Petty Cash Funds	\$	573
Analyzed Checking Account	\$	143,581
		144,154
Subtotal	\$	144,154
		144,154
TOTAL	\$	10,418,784

Note: LAIF reports interest earnings quarterly.

6.4
WARRANT REGISTER

CITY OF LAGUNA WOODS
WARRANT REGISTER - FY 2010
1/20/2010

CK #	WR #	Vendor	Account	Item/Purpose	Amount
108285	10-0594	Bank of America - Credit Card	2601	See Below	506.55
108291	10-0595	C N A	001.6100.8110	Employee Benefit Program/January-March 2010	518.16
108292	10-0596	C N A	001.6100.8110		410.36
108300	10-0597	El Toro Water District	001.6590.7231	City Hall Utilities/November 2009	28.00
108313	10-0598	Gail Shapiro	010.0000.4501	Waste Diversion Deposit Refund	1,800.00
108315	10-0599	Southern California Edison	100.6700.7237	Safety Lights over Traffic Signals/November 2009	412.82
108316	10-0600		001.6700.7236	Residential Streetlights/Third/November 2009	4,346.96
108317	10-0601		100.6700.7237	Right of Way/November 2009	2,161.77
108318	10-0602	Transamerica	001.6100.8110	Employee Benefit Program/January-March 2010	74.20
108319	10-0603	Yolie Trippy	001.6100.8110	Employee Benefit Program/December 2009	384.32
108322	10-0604	California Yellow Cab	260.6700.7369	Taxi Vouchers Services/November 2009	24,259.00
108324	10-0605	Captioning Unlimited	001.6100.7391	Captioning/City Council Meetings/December 2009	400.00
108326	10-0606	El Toro Water District	001.6700.7341	Dog Park/Landscape Irrigation/December 2009	310.14
108328	10-0607	El Toro Water District	001.6700.7341	Dog Park Irrigation/December 2009	12.35
108329	10-0608	El Toro Water District	001.6590.7231	City Hall Utilities/November 2009	91.13
108332	10-0609	CalPers/Health	001.6100.8110	Employee Benefit Program/January 2010	2,353.39
			001.6400.8110		454.99
			001.6100.7391		12.08
108334	10-0610	Southern California Edison	100.6700.7341	Irrigation Controllers/December 2009	27.91
108335	10-0611	Sandra Verrall	001.6100.7201	CA Code Enforcement Officers Annual Membership	75.00
108336	10-0612	Marina Landscaping	100.0000.2501	Retention Payment/Ridge Route Linear Park	31,472.35
			001.6590.7232		19,473.48
			001.6100.7204		12,974.70
108337	10-0613	AT&T	001.6590.7232	Telephone/581-3974/November 2009	371.92
108338	10-0614	Burke, Williams & Sorensen, LLP	001.6100.7301	Legal Services/Retainer/November 2009	3,672.46
			140.6590.7600	Legal Services/Moulton Smart Street/November 2009	1,384.80
108339	10-0615	California Chamber of Commerce	001.6100.7221	2010 Employee/HR Poster & Pamphlets	90.67
108340	10-0616	CIT Technology	001.6100.7222	Copier Lease/City Hall/January 2010	706.65
			001.6100.7222	Copier Lease/Historical Society/January 2010	59.59
108343	10-0617	Curbside	001.6700.7349	Door-to-Door Collections/November 2009	2,587.88
			001.6700.7349	Household Hazardous Waste Collect/E-Waste/Nov 2009	3,254.88
			001.6700.7349	Household Hazardous Waste Collect/Medical/Nov 2009	299.29
			001.6700.7349	Battery Collections/Fluorescent/November 2009	554.60

108344	10-0618	Data Ticket, Inc.	001.6600.7391	Citation Processing/November 2009	9.48
108349	10-0619	Gary Gates	001.6100.8110	Citation Processing/October 2009	8.15
			001.6590.7232	Employee Benefit Program/December 2009	614.82
			001.6100.7203	Cell Phone Reimbursement/December 2009	40.00
			001.6100.7204	ICC Monthly Meeting Reimbursement/December 2009	25.00
108352	10-0620	Leslie Keane	008.6100.8101	Mileage Reimbursement/November 2009	183.15
			008.0000.2755	Leave Payoff 2009	9,605.93
108354	10-0621	Elaine Morgado	001.6100.7221	Office Supplies Reimbursement	-2,400.31
108355	10-0622	Municipal Code Corporation	001.6100.7391	Professional Services/Code of Ordinances Supplement #4	56.51
108356	10-0623	Office Depot	001.6100.7221	Office Supplies	1,220.78
108357	10-0624	Office Max	001.6100.7221	Office Supplies	81.76
108360	10-0625	Douglas Reilly	008.6100.8101	Office Supplies	217.50
			008.0000.2755	Leave Payoff 2009	6,008.05
108361	10-0626		001.6100.8110	Employee Benefit Program/December 2009	-525.71
108362	10-0627	Southern California Edison	001.6590.7231	Utilities/City Hall/December 2009	190.29
108363	10-0628		001.6700.7236	Residential Streetlights/United/December 2009	1,197.18
108364	10-0629		110.6700.7346	Traffic Signal Controllers/December 2009	944.70
108365	10-0630		001.6700.7341	Ridge Route Dog Park/December 2009	20.89
108366	10-0631	State Water Resources Board	001.6400.7357	Annual Fee/Waste Water/Fiscal Year 2009-2010	5,400.00
108367	10-0632	The Gas Company	001.6590.7231	City Hall/December 2009	211.75
108373	10-0633	AT&T	001.6590.7232	Telephone/458-3487/December 2009	31.71
108375	10-0634	Data Ticket, Inc.	001.6600.7391	Citation Processing Services/July 2009	0.65
108377	10-0635	Elliot Freedman	010.0000.4501	Waste Diversion Deposit Refund	1,140.00
108378	10-0636	Mona Glazer	190.0000.2610	Taxi Voucher Refund	40.00
108380	10-0637	Leslie Keane	001.6100.7203	Travel Reimbursement/CJPIA Conference	49.36
108381	10-0638	Sandra Verrall	001.6100.7204	Mileage Reimbursement/December 2009	149.55
			001.6100.8110	Employee Benefit Program/January-March 2010	119.78
			001.6100.8110	Employee Benefit Program/January-March 2010	42.40
			001.6590.7234	Janitorial Supplies	22.17
			155.6590.7600	ARRA/Capital Project/El Toro Road East Bound Rehab.	500,000.00
			155.0000.2501	Retainer	-50,000.00
			120.6590.7600	Traffic Congestion Relief/Capital Project/El Toro Rd Rehab	24,488.86
			120.0000.2501	Retainer	-2,448.89
			001.6590.7232	Telephone/639-0500/December 2009	188.25
			001.6590.7232	Telephone/452-0600/December 2009	237.98
			001.6590.7232	Telephone/770-9359/December 2009	15.84
			001.6590.7232	White Pages Listing/January 2010	3.43

10-0647	Backyard Bees, LLC	001.6590.7234	City Hall/Remove & Replace Bee Hives	500.00
10-0648	Michael Balliet	001.6700.7350	Solid Waste & Recycling Consulting/November 2009	3,315.00
		365.6700.7349		1,020.00
10-0649	Bank of America - Credit Card	001.6700.7350	Solid Waste & Recycling Consulting/December 2009	2,325.00
		2601	See Below	2,601.44
10-0650	California Building Standards	001.0000.4401	State Building Permit Fee Assessment	464.70
		001.0000.4408	Less Administrative Code Enforcement Fee	-46.20
10-0651	California Yellow Cab	260.6700.7369	NEMT Services/December 2009	4,497.00
		260.6700.7369	Taxi Vouchers Services/December 2009	29,251.00
10-0652	City of Laguna Beach	001.6600.7361	Animal Services/2nd Quarter/Fiscal Year 2009-2010	20,665.00
10-0653	Dennis Clair	001.6100.7221	Mayor's Plaque	10.88
10-0655	County of Orange/Sheriff	001.6600.7351	Communication Charges/3rd Quarter/FY 2009-2010	118.00
10-0656		230.6600.7351	Additional Law Enforcement/2nd Quarter/FY 2009-2010	400.89
10-0657		001.6600.7351	Sheriff Services/January 2010	98,192.42
		230.6600.7351		10,000.00
10-0658	County of Orange/Streets	110.6700.7343	Street Maintenance/November 2009	3,170.09
		110.6700.7347	Street Sweeping/November 2009	2,693.40
10-0659	D & E Electrical	001.6700.7236	Monthly Maintenance/December 2009	930.00
10-0660	Dayle McIntosh Center	001.6500.7300	Community Services Grant/1st Quarter Payment	1,250.00
10-0661	Dennis Nelson, PE	001.6700.7341	Consulting Services/Landscape Maintenance/Nov. 2009	2,475.00
		010.6700.7331	Engineering Services/Deposit Based/November 2009	650.00
		100.6700.7332	Traffic Engineering Services/November 2009	4,527.50
		125.6590.7600	El Toro/Avenida Sevilla Drainage Improvement/Nov 2009	4,024.48
		140.6590.7600	Traffic Mitigation/Moulton Smart Street/Nov. 2009	1,295.00
		155.6590.7600	ARRA/El Toro Road Rehabilitation/November 2009	19,312.50
		275.6590.7600	Park in Lieu Fund/November 2009	1,410.46
10-0662	Department of Conservation	001.0000.4401	Quarterly SMIP Report	156.12
		001.0000.4407	Less Seismic Education Fee	-7.63
10-0663	El Toro Water District	001.6700.7341	City Hall/Landscape Irrigation/December 2009	2,883.61
10-0664	Hogle-Ireland	010.6400.7321	Deposit Based/Inspection Services/October 2009	1,068.75
		001.6400.7321	Building & Safety Inspection/October 2009	8,443.75
		001.6400.7311	Current Planning Services/October 2009	11,397.50
10-0665	Konica Minolta	001.6100.7222	Copier Charges/September-December 2009	322.30
10-0666				68.14
10-0667				36.02
10-0668	Lake Forest Floral Design	001.6100.7221	Copier Lease/2nd Quarter Fiscal Year 2009-2010	184.88
10-0669	Los Angeles Times	001.6100.7221	Community Event/Veteran's Day Flowers	22.60
			Newspaper Delivery/January 2010	
10-0670	The California Channel	001.6590.7251	PEG Channel Annual Fee/Calendar Year 2010	3,056.64

10-0671	Laguna Canyon Foundation	001.6500.7300	Community Services Grant/1st Quarter Payment	2,500.00
10-0672	Laura's House	001.6500.7300	Community Services Grant/1st Quarter Payment	1,250.00
10-0673	Orange County Council of Govts.	001.6000.7201	Annual Membership Dues/Fiscal Year 2009-2010	2,454.47
10-0674	Papco	100.6700.7341	Backflow Device Testing	826.00
10-0675	South County Outreach	001.6500.7300	Community Services Grant/1st Quarter Payment	5,000.00
10-0676	South County Senior Services	001.6500.7300	Community Services Grant/1st Quarter Payment	18,750.00
10-0677	Southern California Edison	100.6700.7237	Safety Lights over Traffic Signals/December 2009	412.37
10-0678		001.6700.7236	Residential Streetlights/Third/December 2009	4,345.65
10-0679		100.6700.7237	Right of Way/December 2009	2,160.92
10-0680	Southern California Water	001.6000.7203	First Quarterly Meeting/Hack/January 22, 2010	50.00
10-0681	Trauma Intervention Program	001.6500.7300	Community Services Grant/1st Quarter Payment	1,250.00
10-0682	WLC Architects	001.6590.7259	Library Assessment Study/October 2009	4,730.00
10-0683	Yolie Trippy	001.6100.8110	Employee Benefit Program/January 2010	500.00
10-0684	Great Cleaning Services, Inc.	001.6590.7234	Janitorial Service/January 2010	495.00
10-0685	Sonitrol	001.6590.7234	City Hall/Alarm System Maintenance/January 2010	51.41
10-0686	Redflex	001.6600.7371	Redlight Photo Enforcement/January 2010	27,350.00
10-0687	Commpro	001.6100.7391	Website Hosting Services/January 2010	295.00
10-0688	Orkin	001.6590.7234	City Hall/Building Maintenance/January 2010	76.64
10-0689	KONE, Inc.	001.6590.7234	City Hall/Elevator Maintenance/January 2010	158.16
10-0690	TruGreen Landscape	001.6700.7341	Landscape Maintenance/January 2010	8,962.00
10-0691	Leslie Keane	001.6100.7204	Automobile Allowance/February 2010	450.00
10-0692	Douglas Reilly	001.6100.8110	Employee Benefit Program/February 2010	51.00
		001.6590.7232	Cell Phone Reimbursement/February 2010	79.50
10-0693	Sandra Verrall	001.6590.7232	Cell Phone Reimbursement/February 2010	25.00
10-0694	Ernestine Jones	001.6100.8110	Employee Benefit Program/January 2010	266.34
10-0695			Employee Benefit Program/December 2009	250.00
10-0696	CalPers/Health	001.6100.8110	Employee Benefit Program/February 2010	2,353.39
		001.6400.8110		454.99
		001.6100.7391		12.08
10-0697	CitiStreet/CalPers 457 Plan	001.6100.8110	Employee Benefit Program/January 2010	291.37
		001.6400.8110		300.00
10-0698	Vantage Point/ICMA 457 Plan	001.0000.2601	Employee Contributions/January 2010	800.00
		001.6100.8110	Employee Benefit Program/January 2010	1,065.48
		001.6400.8110	Employee Benefit Program/January 2010	3,512.66
10-0699	AFLAC	001.6100.8110	Employee Benefit Program/February 2010	278.70
		001.6400.8110		116.50
10-0700		001.6100.7303	Program Fees/February 2010	25.00

10-0701	Managed Health Network	001.6100.8110	Employee Benefit Program/February 2010	17.29
		001.6400.8110		4.94
10-0702	Delta Dental	001.6100.8110	Employee Benefit Program/February 2010	519.72
		001.6400.8110		45.09
10-0703	Principal Financial Group	001.6100.8110	Employee Benefit Program/February 2010	373.52
		001.6400.8110		96.76
10-0704	Vision Service Plan	001.6100.8110	Employee Benefit Program/February 2010	147.23
		001.6400.8110		20.30
10-0705	Cynthia Connors	001.6000.8102	January Compensation	300.00
10-0706	Bert Hack	001.6000.8102	January Compensation	300.00
10-0707	Martin Rhodes	001.6000.8102	January Compensation	300.00
10-0708	Robert Ring	001.6000.8102	January Compensation	300.00
10-0709	Milt Robbins	001.6000.8102	January Compensation	300.00
10-0710	ADP	001.6100.8101	Payroll Ending 12/04/09 Full-time Staff	21,879.83
		001.6100.8102	Payroll Ending 12/04/09 Part-time Staff	998.13
		001.0000.2601	Deferred Comp/Payroll Ending 12/04/09	-400.00
		001.0000.2180	FSA Payable/Payroll Ending 12/04/09	-110.00
		001.6400.8101	Payroll Ending 12/04/09 Full-time Staff	4,603.00
		001.6100.8111	Payroll Taxes- Employer	1,092.57
		001.6400.8111	Payroll Taxes- Employer	351.13
		001.6100.2601	Deferred Comp/Payroll Ending 12/04/09	-1,219.80
		190.6500.8101	Payroll Ending 12/04/09 Full-time Staff	540.00
		190.6500.8102	Payroll Ending 12/04/09 Part-time Staff	436.88
		190.6500.8111	Payroll Taxes- Employer	74.73
10-0711	ADP	001.6100.7303	Payroll Processing	109.62
10-0712	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 12/04/09	3,909.34
		001.6400.8112		802.63
10-0713	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 12/04/09	374.23
		001.0000.2601	Deferred Comp/Payroll Ending 12/04/09	1,219.80

10-0714	ADP	001.6100.8101	Payroll Ending 12/18/09 Full-time Staff	21,879.84
		001.6100.8102	Payroll Ending 12/18/09 Part-time Staff	1,126.75
		001.0000.2601	Deferred Comp/Payroll Ending 12/18/09	-400.00
		001.0000.2180	FSA Payable/Payroll Ending 12/18/09	-110.00
		001.6400.8101	Payroll Ending 12/18/09 Full-time Staff	4,603.00
		001.6100.8111	Payroll Taxes- Employer	1,101.40
		001.6400.8111	Payroll Taxes- Employer	352.13
		001.6100.2601	Deferred Comp/Payroll Ending 12/18/09	-1,219.80
		190.6500.8101	Payroll Ending 12/18/09 Full-time Staff	540.00
		190.6500.8102	Payroll Ending 12/18/09 Part-time Staff	540.00
		190.6500.8111	Payroll Taxes- Employer	82.62
10-0715	ADP	001.6100.7303	Payroll Processing	109.62
10-0716	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 12/18/09	3,889.30
		001.6400.8112		802.62
10-0717	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 12/18/09	374.23
		001.0000.2601	Deferred Comp/Payroll Ending 12/18/09	1,219.80
10-0718	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 01/01/10	3,909.34
		001.6400.8112		802.63
	TOTAL			1,026,269.73

Void Check(s): 108288, 108306, 108311, 108330

November

Debit	Debit	Overnight Express	001.6100.7223	Delivery Services	171.86
Debit	Debit	Apple Store	001.6100.8110	Employee Benefit Program	277.70
Debit	Debit	Sanitation Strategies	001.6100.7221	Office Supplies/Hand Sanitizer	56.99

December

Debit	Debit	Overnight Express	001.6100.7223	Delivery Services	51.05
Debit	Debit	Apple Store	001.6100.8110	Employee Benefit Program	2,406.27
Debit	Debit	Elephant Bar	001.6100.7203	Employee Meals	57.39
Debit	Debit	Papa John's	001.6100.7221	Volunteer Recognition Christmas Luncheon	86.73

6.5
FLOODPLAIN MANAGEMENT REGULATIONS

ORDINANCE NO. 10-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
 AMENDING CHAPTER 10.04 OF THE LAGUNA WOODS MUNICIPAL
 CODE PERTAINING TO FLOODPLAIN MANAGEMENT

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

SECTION 1. Chapter 10.04 (Floodplain Management) of the Laguna Woods
 Municipal Code is hereby amended to add the following section:

Sec. 10.04.075. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 2. Section 10.04.090(3) of Chapter 10.04 (Floodplain Management) of the Laguna Woods Municipal Code is hereby amended in its entirety to read:

(3) Notification to other agencies.

a. The Floodplain Administrator shall determine whether the applicant in any case involving alteration or relocation of a watercourse:

1. Has notified adjacent communities, the California Department of Fish and Game, and the California Department of Water Resources prior to alteration or relocation;

2. Has submitted evidence of such notification to the City, Federal Emergency Management Agency, and other agencies as necessary; and

3. Has assured that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

b. Base Flood Elevation changes due to physical alterations:

1. Within 6 months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to the Federal Emergency Management Agency for a Letter of Map Revision (LOMR).

2. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

3. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

c. Changes in City boundaries:

1. The Floodplain Administrator shall notify the Federal Emergency Management Agency in writing whenever the City boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new City boundaries.

SECTION 3. Effective Date.

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

SECTION 4. 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 of 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 5. Deputy 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 _____ 2010.

MILT ROBBINS, 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. 10-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 16th day of December, 2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the _____ day of _____, 2010 by the following vote to wit:


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

YOLIE TRIPPY, Deputy City Clerk

6.6
COMMUNITY SERVICES GRANTS
(NO REPORT)

8.1
SALE OF THE ORANGE COUNTY
FAIRGROUNDS

**City of Laguna Woods
Agenda Report**

FOR: January 20, 2010, City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie Keane, City Manager 
AGENDA ITEM: Proposed Sale of Orange County Fairgrounds

Recommendation

- A. Consider sending a letter to the Governor and state legislature opposing the sale of the Orange County fairgrounds, as currently proposed.
- B. Consider sending a letter in support of AB 1590 which would halt the sale of the OC Fairgrounds.

Background

The Orange County Fairgrounds (Orange County Fair Event Center) is currently operated by the 32nd Agricultural District; the fairgrounds have been part of the Costa Mesa community since 1949. The mission of the Fairgrounds is to provide educational, entertainment and recreational opportunities for the general public and preserve the heritage of California agriculture. This is achieved by showcasing the talents, interests and accomplishments of the citizens of California, especially Orange County residents.

In October 2009, the Legislature voted to sell the Fairgrounds to help close the state's budget shortfall. The decision was based on a recommendation by the California State and Consumer Services Agency, which recommended the sale of seven "high value properties": San Quentin prison in Marin County, the Los Angeles Coliseum and Sports Arena, the Del Mar Fairgrounds, the Cow Palace in Daly City, the Ventura Fair, the Cal Expo in Sacramento and the OC Fairgrounds. At the time, the sale of these properties was anticipated to generate approximately \$1 billion. To date, only the Orange County Fairgrounds has actually been put up for sale.

On June 2, 2009, the Costa Mesa City Council adopted Resolution # 09-41 opposing the sale, closure, and/or relocation of the OCFEC by the State of California. On July 28, 2009, the Orange County Board of Supervisors adopted Resolution # 09-110, in support of the Governor's proposal to sell the Orange County Fairgrounds, only if the sale provided that the Fairgrounds would be sold to a local government agency or local not-for-profit corporation to perpetuate its use as a fairgrounds, event center, and equestrian facility.

On October 7, 2009, the California Department of General Services released a Request for Proposals (RFP) for the sale of the OCFEC. The RFP did not require the buyer to be a local government agency or local not-for-profit, nor did it require the buyer to perpetuate the utilization of the property as a fairgrounds, event center, and equestrian facility. Bids were due on January 11, 2010; seven bids were received, among the bidders was a partnership of the City of Newport Beach and the County of Orange. Bids were opened and bidders given the opportunity to increase their bid on January 14, 2010. The high bidder was Newport Beach based Craig Realty Group at \$56.5 million. Craig Realty Group owns and operates upscale outlet malls, including Cabazon and the proposed San Clemente Mall.

The current schedule for the remainder of the purchase process is:

- Buyer's Execution of Purchase Contract – January 21, 2010
- State Review & Recommendation January – February 2010
- State Execution of Purchase Contract – March - April 2010 (subject to legislative notice)
- Escrow Opened, Buyer's Deposit Increased – April 2010
- Estimated Close of Escrow May – September 2010
- Buyer Control of Property – October 1, 2010

The Orange County Fairgrounds are wholly contained within the corporate limits of the City of Costa Mesa, and the City of Costa Mesa's General Plan designates the property as "Fairgrounds," and as such has zoned the property "recreational/institutional." The Costa Mesa City Council has authorized preparation of a Specific Plan for the Fairgrounds property and subsequently directed staff to prepare a ballot initiative for the June 2010 ballot for voter approval of a land use restriction to "Fairgrounds."

The Orange County Board of Supervisors believes that it is in the best interest of the public that the Governor immediately cancel the sale of the Fairgrounds property. In


ITEM 8.1

that regard, the Board of Supervisors adopted Resolution # 09-180 on November 24, 2009, requesting that the Governor immediately cancel the proposed sale of the Orange County Fairgrounds, and has asked other cities in Orange County to join with the County and the City of Costa Mesa in formally requesting of the Governor that the proposed sale of the Orange County Fairgrounds be cancelled immediately.

In a related effort, Assemblyman Jose Solorio has introduced legislation (AB 1590) which would repeal the section of Assembly Bill X4 22 related to the sale of the Orange County Fairgrounds. The bill also calls for additional hearings in Orange County and Sacramento on the process if the sale is not stopped.

8.2
GREENING THE WOODS REPORT

City of Laguna Woods Agenda Report

FOR: January 20, 2010, City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie Keane, City Manager 
AGENDA ITEM: Greening the Woods Report

Recommendation

Discuss and give direction to staff regarding the preparation of the draft ordinances that would:

- A. Implement a prohibition on the use of restaurant carry out food containers made from polystyrene, effective a year from the date of adoption.
- B. Require that all new residential units be separately metered for water consumption.

Background

In March 2007, the City Council of the City of Laguna Woods adopted a resolution (Resolution No. 07-09) approving the U. S. Mayors' Climate Protection Agreement. The broad goal of this agreement is to reduce manmade greenhouse gas emissions by 7% below 1990 levels by 2012. In signing the agreement, the City Council made the decision to set the City on a path toward energy efficiency and overall environmental stability.

In November 2007, the City Manager's Office formed a blue ribbon committee to discuss environmental issues affecting Laguna Woods and its residents, and to brainstorm and develop practice recommendations that could be presented to the City Council and homeowner associations within the city. The Committee focused its efforts on the following initiatives:

- Renewable energy (energy reduction and alternative energy sources)

- Water conservation
- Recycling (recycling and purchase of recyclable and recycled materials)
- Alternative transportation fuels and methods
- Green building policies and incentives

The focus of the Committee's report and its recommendations was/is how to achieve a vision of a prosperous, vital and environmentally friendly economy for the City of Laguna Woods. The report contained 110 recommendations designed to reduce natural resource use.

The City Council considered the greening Report at its April 15, 2009 meeting; given limited staff and finances, the Council directed staff to proceed with certain recommendations and to return with others at a later date. Councilwoman Connors has asked that the Council consider whether or not to initiate work now on two of the remaining recommendations:

1. Prohibition on polystyrene carry-out restaurant food containers.

Expanded polystyrene (EPS) is not easily recyclable because of its light weight and low scrap value. It is generally not accepted in curbside programs. Expanded polystyrene foam takes a very long time to decompose in the environment and has been documented to cause starvation in birds and other marine wildlife. According to the California Coastal Commission, it is a principal component of marine debris. A CIWMB (California Integrated Waste Management Board) Report finds that "in the categories of energy consumption, greenhouse gas effect, and total environmental effect, EPS's environmental impacts were second highest, behind aluminum.

A number of cities in California, including the Orange County cities of Laguna Beach, Newport Beach and Huntington Beach, have enacted ordinances prohibiting food facilities from using polystyrene foam (otherwise known as Styrofoam™) takeout food containers. Currently, the City of Laguna Woods prohibits the use of polystyrene food containers at any City facility or at any event co-sponsored by the City.

2. Requirement that all new residential construction have separate water meters for each individual unit.

Existing state law generally requires the installation of a water meter as a condition of water service on or after January 1, 1992. However, the law does not require that individual units in multifamily and condominium developments be

ITEM 8.2

separately metered. The new San Sebastian project was master metered and the cost for water will be included in the lease price and or homeowners' association dues. This is also the situation in the majority of Laguna Woods Village. California is experiencing drought conditions and local water providers have implemented stringent conservation measures; however, there is a concern that without meters, there is no method to actually measure waste and no cost incentive for individual residents to conserve.

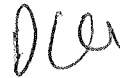
The Greening the Woods report recommends that the City Council adopt building regulations that require all residential units to be separately metered for water.

9.1
ORANGE COUNTY TAXI ADMINISTRATION
PROGRAM (OCTAP)

City of Laguna Woods Agenda Report

FOR: January 20, 2010 City Council Meeting

TO: Honorable Mayor and Councilmembers

FROM: Douglas C. Reilly, Assistant City Manager 

AGENDA ITEM: Orange County Taxi Administration Program (OCTAP) Regulations

Recommendation

Approve a resolution updating regulations for the Orange County Taxi Administration Program (OCTAP), entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS

Background

On December 15, 1999, the City Council approved an ordinance joining the Orange County Taxi Administration Program (OCTAP), a voluntary association comprised of the 34 cities in Orange County and the County. OCTAP coordinates taxi service in accordance with California Government Code Section 53075.5, which requires every city and county to protect the public health, safety and welfare of persons using taxi services by adopting an ordinance or resolution governing taxi transportation. OCTAP is self-funded through collection of fees from taxi companies and drivers. The program provides consistent regulations for taxi services in the County and relieves taxi companies and drivers from obtaining individual permits from each of the many cities in which they typically operate.

Discussion

OCTAP sets uniform regulations and minimum standards for taxi companies and drivers for insurance, equipment, mechanical conditions, vehicle maintenance, taxi fares and other aspects of taxi operations. In October 2009, the OCTAP Safety and Steering Committees recommended amending current regulations, including the following notable changes. Substantive changes to OCTAP regulations must be approved by all member agencies.

- Strengthen liability insurance requirements for company permits to ensure adequacy of policies and providing for immediate suspension of a company permit and revocation of all taxicab permits if an insurance policy lapses.
- Require availability of dispatch operators 24-hours each day, enhanced record-keeping, establishment of lost and found services, establishment of a formal complaint policy and acceptance of credit card payments.
- Require all taxi operators to undergo a criminal background check through the California Department of Justice rather than the Orange County Sheriff's Department, as required under state law. Interim driver permits will no longer be issued during the background review period.
- Require prospective taxi drivers to provide photographs taken within the previous 30 days of an application date.
- Require a permittee to submit a company permit or driver renewal application at least 60 rather than 30 days prior to the permit's expiration.
- Require OCTAP to issue company or driver permits within five business days of receipt of all required background information and other documentation.
- Prohibit an application for a driver's permit for one year after a driver permit revocation.
- Issue a "Must Repair" notice for minor inspection violations rather than taking a vehicle out of service. Vehicles issued a "Must Repair" notice may continue to operate for up to ten business days to make repairs.
- Eliminate the option for a company to paint its taxis a different color than its primary color, effective October 1, 2009; companies with existing secondary color schemes may keep them.

A copy of the revised OCTAP Regulations is available in the Deputy City Clerk's Office.

Fiscal Impact

OCTAP is self-funded through collection of fees. There will be no fiscal impact on the City from approval of the resolution adopting the revised OCTAP regulations.

Conclusion

The City joined OCTAP in December 1999 to provide for regulation of taxicabs operating in the City. In October 2009, the OCTAP Safety and Steering Committee approved revised regulations to improve protection of the public health, safety and welfare of persons using taxi services. Adoption of the recommended action will approve the revised regulations, which will become effective if approved by other OCTAP member agencies.

Approved by:



Leslie A. Keane
City Manager

Attachment: Attachment A – Resolution

RESOLUTION NO. 10-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS

WHEREAS, Government Code Section 53075.5 requires cities and counties to protect the public health, safety and welfare of taxicab patrons by adopting regulations governing taxicab transportation; and

WHEREAS, each jurisdiction in Orange County participates in the Orange County Taxi Administration Program (OCTAP) to coordinate the permitting and licensing of taxicab service in order to reduce administrative costs and streamline the issuance of taxicab permits; and

WHEREAS, OCTAP established uniform regulations applicable to taxicab companies and taxicab drivers, adopting standards for insurance and equipment/mechanical conditions, taxicab fares, and other conditions related to the efficient operation of taxicabs; and

WHEREAS, on December 15, 1999, the Laguna Woods City Council adopted Ordinance No. 99-20 and became a member agency of OCTAP; and

WHEREAS, on October 1, 2009, the OCTAP Safety and Steering Committees approved substantive amendments to the program regulations to further protect the health, safety and welfare of persons utilizing taxicab services in Orange County; and

WHEREAS, the Orange County Transportation Authority (OCTA), which oversees OCTAP, requested its member agencies to adopt the enhanced regulations.

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

SECTION 1. Revised OCTAP regulations are hereby adopted as consistent with City Council Ordinance No. 99-20 authorizing OCTA to establish fares, standards and permits for activities associated with taxicab service in the City of Laguna Woods in accordance with the Orange County Taxi Administration Program.

PASSED, APPROVED AND ADOPTED ON THE ____ DAY OF _____ 2010.

MILT ROBBINS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 10-xx** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ____ day of _____ 2010, by the following vote:


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

YOLIE TRIPPY, Deputy City Clerk

9.2

NO RIGHT TURN AT RED LIGHT

City of Laguna Woods Agenda Report

FOR: January 20, 2010, City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie Keane, City Manager 
AGENDA ITEM: No Right Turn at Red Light

Recommendation

Install “no right turn at red light” signs at the following locations:

Staff and Public Safety Committee:

- A. El Toro Road and Avenida Sevilla westbound, off El Toro Road onto Avenida Sevilla
- B. El Toro Road and Calle Sonora eastbound, off El Toro Road onto Calle Sonora

Staff:

- C. El Toro Road and Town Centre Drive westbound, off of El Toro onto Town Centre

Background

Section 21453 of the California Vehicle Code provides that:

(a) A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).

(b) Except when a sign is in place prohibiting a turn, a driver, after stopping as required by subdivision (a), facing a steady circular red signal, may turn right, or turn left from a one-way street onto a one-way street. A driver making that turn shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to any vehicle that has approached or is approaching so closely

as to constitute an immediate hazard to the driver, and shall continue to yield the right-of-way to that vehicle until the driver can proceed with reasonable safety.

Currently, there are 14 signalized intersections (identified below) within the jurisdiction of the City of Laguna Woods. Other intersections which border the City are controlled by neighboring cities.

- El Toro Road/Aliso Creek Road
- El Toro Road/Calle Corta
- El Toro Road/Canyon Wren
- El Toro Road/Calle Sonora
- El Toro Road/Home Depot-Towne Centre
- El Toro Road/Moulton Parkway
- El Toro Road/Catholic and Lutheran Churches
- El Toro Road/Avendia Sevilla
- Moulton Parkway/Santa Maria Avenue
- Moulton Parkway/ Village Golf Course
- Moulton Parkway/Campo Verde
- Moulton Parkway/Calle Cortez
- Moulton Parkway/Via Iglesia
- Moulton Parkway/Calle Aragon

The City of Laguna Woods, at the recommendation of its traffic engineer, has established and signed the following locations as “no right turn on red light”:

- El Toro Road/Calle Corta – no right turn on red southbound, out of Calle Corta onto El Toro Road
- Moulton Parkway/ Village Golf Course – no right turn on red northbound, out of Gate 12 onto Moulton Parkway
- Moulton Parkway/Campo Verde – no right turn on red northbound, out of shopping center onto Moulton Parkway
- Moulton Parkway/Calle Cortez – no right turn southbound, out of Calle Cortez onto Moulton Parkway
- Moulton Parkway/Via Iglesia – no right turn southbound, out of Via Iglesia onto Moulton Parkway

The decisions to prohibit right turns on red light is made based on the individual circumstances of each location and include consideration of sight line, speed and

flow of traffic and past accidents at the location.

Discussion

During the last year, the Public Safety Committee has studied current “no right turn on red light” locations and the possibility recommending additional locations. Based on requests from residents and staff, the following new locations were considered:

- El Toro Road/Moulton Parkway northbound, off Moulton onto El Toro Road
- El Toro Road/Town Centre Drive westbound, off El Toro into Town Centre
- El Toro Road/Avenida Sevilla westbound, off El Toro onto Avenida Sevilla
- El Toro Road/Avenida Sevilla, southbound off Avenida Sevilla onto El Toro Road
- El Toro Road/Calle Sonora westbound, off El Toro onto Calle Sonora

Following discussion over several months, the Public Safety Committee recommended that “no turn on red light” signs be added at:

1. El Toro Road/Avenida Sevilla westbound, off El Toro Road onto Avenida Sevilla
2. El Toro Road/Calle Sonora eastbound, off El Toro Road onto Calle Sonora

Staff concurs with these locations and suggests the following additional location:

3. El Toro Road/Town Centre Drive westbound, off of El Toro onto Town Centre

The concerns at all three of these locations relate to pedestrian safety; the city traffic engineer concurs with the recommendations at all three locations. No currently marked locations are recommended for deletion.

Conclusion

Laguna Woods Municipal Code authorizes the city manger “to determine the installation, design, operation and maintenance of traffic control devices...” within the City. It is the current policy to take these matters to the Public Safety Committee for review, and when consensus is not reach to forward the recommendations to the City Council for resolution. The city manager and city traffic engineer are recommending the installation of “no right turn on red light” signs at three new locations; the Public Safety is not in agreement with one of the proposed locations.

9.3

REDFLEX REDLIGHT CAMERA AGREEMENT

City of Laguna Woods Agenda Report

FOR: January 20, 2010 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Douglas C. Reilly, Assistant City Manager *DUR*
AGENDA ITEM: Redflex Traffic Systems Contract Amendment and Extension

Recommendation

A. Approve an amendment to the contract with Redflex Traffic Systems, Inc. to delete the cost neutrality provision, extend the term for one year to July 2011, and establish a new monthly payment for red light camera services at the intersections of Moulton Parkway/El Toro Road and Moulton Parkway/Gate 12.

AND

B1. Continue use of the California Vehicle Code to determine red light camera violations.

OR

B2. Approve establishment of administrative citations for red light camera violations.

Background

In June 2005, the City Council approved a contract with Redflex Traffic Systems, Inc. for automated red light photo enforcement equipment and services at the intersections of Moulton Parkway/El Toro Road and Moulton Parkway/Gate 12. A section under Exhibit D of the contract related to Compensation and Pricing provides that "If City's costs exceed revenues received from redlight citation fines, Contractor shall lower its monthly fixed fee to ensure cost neutrality. If there is a discrepancy, Contractor shall issue a 'Cash Back Refund' to City in order to provide total cost neutrality for the term of the Agreement." The purpose of this cost neutrality contract provision is to protect the City and its taxpayers from having to pay for contractor services from other General Fund revenues. Its effect is to lower the cost of Redflex services to an amount equal to red light camera-related revenues collected. These

fluctuate monthly but declined in FY 08-09 below the \$27,350 monthly fee, which equals \$328,200 per year, to approximately \$25,442 monthly. Revenues have increased in FY 09-10 but still fluctuate as much as 20% above or below average monthly collections.

Discussion

The use of cameras for the enforcement of red light running violations at signalized intersections has become increasingly widespread in California and the rest of the United States. Red light photo enforcement systems are currently being utilized in over 40 cities across California, including Santa Ana, San Juan Capistrano, Costa Mesa and Garden Grove in Orange County. Local agencies have found that the use of red light cameras can reduce red light running by about 30 percent and, more importantly, reduce the number of accidents at equipped intersections.

In Laguna Woods, between calendar years 2006 and 2009, the number of red light violations decreased by 18%. Before the installation of the cameras at Moulton Parkway/El Toro Road and Moulton Parkway/Gate 12, there were a number of serious accidents at both intersections, including one involving an ambulance on a call, and many more near misses. Since the installation, the number of accidents has decreased and drivers appear to be more careful as they approach the traffic signals.

There have been several court cases heard recently in California Superior Courts that challenge the legality of the cost neutrality provision of red light camera contracts with cities and counties. A recent case in the City of Turlock involved a challenge to the City's red light camera contract provision that "In any given month, if the program cost exceeds collected revenues, the balance will be carried over to the next month in which the cost can be met. That carry-over can continue for the term of the contract...Payment will only be made by the City of Turlock up to the amount of revenue received by the City through the collection of red light citations, up to the total due." A November 2009 appellate ruling by a California Superior Court judge found that this scheme runs afoul of state law banning per ticket compensation. Earlier, the court found that a similar cost neutrality provision in a contract between the City of Fullerton and Nestor Traffic Systems was illegal and all tickets issued by the system were declared void.

The California Supreme Court is currently considering the question of whether contracts for red light camera services paid on a per-ticket basis are inherently void. Argument on the red light camera question is on hold pending resolution of a related case, County of Santa Clara v. Atlantic Richfield.

The City Attorney considered the Laguna Woods agreement with Redflex Traffic Systems defensible because the contractor makes no determination about whether or not a ticket is issued. Still photos and videos of incidents captured by the system are reviewed by a Sheriff's deputy. Redflex makes an initial determination about whether to send on an incident for review based on the existence of minimum evidentiary information (e.g., clear photos of driver's face and front and rear license plates). However, given recent Court decisions, he has recommended the proposed contract modification.

Staff recommends that the City revise the contract with Redflex to delete the cost neutrality provision, with the result that the City would pay a flat fee for service. Staff has negotiated a reduction of the monthly fee, from \$27,350 to \$25,000, which more accurately reflects historic monthly citation revenues. Staff further recommends that the contract with Redflex be extended for one year, to July 2011, instead of a five-year extension, to maintain the program and its public safety benefits and provide time for the cost neutrality issue to be decided by the California Supreme Court.

A second issue is whether to adopt administrative citations for red light violations, as some cities in California have started to do. Fines for these citations are set by each city, whereas fines for California Vehicle Code violations are set by the state. In the case of red light violations, the vehicle code fine is \$446, plus an additional \$50 for traffic school. The City collects only approximately \$166 of that amount. Administrative citations are typically set much lower for first time offenses (e.g., \$100), with fines increasing for subsequent violations. Administrative citations are not heard in traffic court; the City must cite violators, collect fines and hear appeals.

Running a red light is considered a serious infraction by law enforcement agencies and the courts, so the question of whether to adopt such administrative citations must be considered carefully given the effectiveness to date in reducing violations and accidents and the additional cost to the City.

Committee Action

On January 13, 2010, the Public Safety Committee voted unanimously to recommend that the City Council approve an amendment to the contract with Redflex Traffic Systems, Inc. to delete the cost neutrality provision, accept the new monthly payment for red light camera services and extend the term of the contract. The Committee also voted unanimously to continue use of the California Vehicle Code to determine red light camera violations. The Committee discussed the goals of the program and the

majority agreed that the primary goal is to have all drivers stop for red lights and to issue citations to all who do not.

Fiscal Impact


In Fiscal Year (FY) 2008-2009, the City paid Redflex \$305,307, or \$22,893 less than the fixed cost of \$328,200 for the services provided at the two intersections served by red light cameras. The amount paid matched the revenues received from red light camera citations. Eliminating the cost neutrality provision will require the City to pay a full monthly fee, regardless of the amount of citation revenues. Staff has negotiated a new monthly fee of \$25,000, or \$300,000 per year. It is difficult to project monthly or annual revenues from red light camera citations since they fluctuate so widely, however, the result of the contract revision may require payment in excess of revenues collected annually.

Adoption of administrative citations for red light violations, with fines set lower than the current \$166 collected by the City for vehicle code violations, would reduce the amount of citation revenues collected overall. Conversely, administrative fines for red light violations set higher than the amount collected by the City from vehicle code fines would increase citation revenues.

Conclusion

The City's contract with Redflex Traffic Systems calls for cost neutrality in the event that revenues from red light photo enforced citations are less than the monthly fee charged for service and equipment. Recent court cases have found these provisions in violation of state law governing the operation of automated red light camera systems. Approval of a contract amendment eliminating the cost neutrality provision would ensure that red light camera citations could not be challenged under the per-ticket payment for services argument. Extending the contract for one year would continue the public safety benefits of the program and provide time for the cost neutrality issue to be decided by the California Supreme Court.

Approved by:



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