



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

**Regular Meeting  
April 17, 2013  
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:** \_\_\_ Connors \_\_\_ Hack \_\_\_ Hatch  
\_\_\_ Robbins, Mayor Pro Tem \_\_\_ Ring, Mayor

#### **IV. PRESENTATIONS**

None

#### **V. CITY COMMENDATIONS AND PROCLAMATIONS**

5.1 Commendation – Violet Alma Alsup, 100<sup>th</sup> Birthday

5.1 Proclamation – Earth Awareness Week, April 22 -28, 2013

5.2 Proclamation – Building Safety Month, May 2013

#### **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 March 20, 2013 regular meeting, March 27, 2013 special 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 Reports

RECOMMENDED ACTION: Receive and File the March 2013 monthly Treasurer's Report.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the April 17, 2013 Warrant Register in the amount of \$803,501.62.

## **VII. PUBLIC HEARINGS**

### **7.1 Density Bonus Standards**

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Adopt an ordinance modifying the City's density bonus regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, AMENDING CHAPTER 13.26 OF THE LAGUNA  
WOODS MUNICIPAL CODE PERTAINING TO RESIDENTIAL  
DENSITY BONUS STANDARDS

## **VIII. CITY COUNCIL**

### **8.1 City Council 2013 Meeting Schedule**

RECOMMENDED ACTION: Approve a meeting schedule for the remainder of calendar year 2013.

## **IX. CITY MANAGER**

### **9.1 Red Light Photo Enforcement Program**

RECOMMENDED ACTION: Approve a Memorandum of Understanding between the City and Redflex Traffic Systems, Inc. modifying and extending the existing automated red light photo enforcement system agreement; and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

## **X. COMMITTEE REPORTS**

- 10.1 Transportation Corridor Agencies (Councilmember Hack)
- 10.2 Orange County Library Board (Mayor Pro Tem Robbins)
- 10.3 Orange County Fire Authority (Councilmember Hatch)
- 10.4 Southern California Water Committee (Councilmember Hack)
- 10.5 Coastal Greenbelt Authority (Councilmember Conners)
- 10.6 Vector Control District Board (Mayor Pro Tem Robbins)

## **XI. PUBLIC COMMENTS**

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

### **12.1 Reports on Meetings Attended per Government Code §53232.3**

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

- A. Water Advisory Committee of Orange County, April 1, 2013:  
Councilmember Hack

### **12.2 Other Meetings, Comments and Announcements**

## **XIII. CLOSED SESSION**

None

## **XIV: ADJOURNMENT**

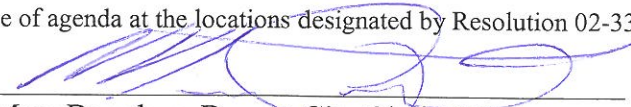
The meeting will be adjourned to 2:00 p.m. on Wednesday, May 15, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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

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

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

4/12/13  
Date

  
\_\_\_\_\_  
Marc Donohue, Deputy City Clerk

**5.1**  
**COMMENDATION – VIOLET ALMA ALSUP -**  
**100<sup>TH</sup> BIRTHDAY**

City of Laguna Woods  
Certificate of Commendation  
Violet Alma Alsup  
Born May 4, 1913

**WHEREAS**, Violet Alma Alsup will celebrate her 100<sup>th</sup> birthday on May 4, 1913 and is a role model for all generations; and

**WHEREAS**, Violet Alma Alsup earned a degree in nursing and made it her career for the next ten years; and

**WHEREAS**, Violet Alma Alsup personifies the southern "Steel Magnolia", being strong yet gentle; and

**WHEREAS**, Violet Alma Alsup has been a long time resident of Laguna Woods since 1985.

**NOW, THEREFORE, BE IT RESOLVED**, that the Laguna Woods City Council does hereby deem it an honor and pleasure to extend this commendation to Violet Alma Alsup on the occasion of her 100<sup>th</sup> birthday, with congratulations and best wishes for many more years to come.

Dated this 17<sup>st</sup> of April 2013

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Bob Ring , Mayor

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Attest: Marc Donohue, Deputy City Clerk

**5.2**  
**PROCLAMATION**  
**EARTH AWARENESS WEEK,**  
**APRIL 22-28, 2013**

**Proclamation**  
**City of Laguna Woods**  
**Environmental Awareness Week**  
**April 22 – 28, 2013**

**WHEREAS**, Earth Day will observed on April 22, 2013 and was initiated in 1970 by Senator Gaylord Nelson (Wisconsin) as a nationwide grassroots demonstration on behalf of the environment; and

**WHEREAS**, Arbor Day will be observed on April 26, 2013 and was founded by J. Sterling Morton in Nebraska in 1872, and is a nationally-celebrated observance that encourages tree planting and care; and

**WHEREAS**, a sound natural environment is the foundation of a healthy society and a robust economy; and

**WHEREAS**, local communities can help to reverse environmental degradation and contribute to building a healthy society by addressing issues such as energy use, transportation, and waste prevention.

**NOW, THEREFORE, BE IT RESOLVED** that the Laguna Woods City Council does hereby proclaim April 22 – 28, 2013 as “Environmental Awareness Days” in the City of Laguna Woods and strongly encourages its residents, business, and institutions to support green economy initiatives and to encourage others to undertake similar actions.

Dated this 17<sup>th</sup> day of April, 2013

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Bob Ring, Mayor

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Attest: Marc Donohue, Deputy City Clerk

**5.3**  
**PROCLAMATION**  
**BUILDING SAFETY MONTH**  
**MAY 2013**

Proclamation  
**City of Laguna Woods**  
Building Safety Month  
May 2013

**WHEREAS**, The theme for Building Safety Month 2013 "Code Officials Keep you Safe" encourages all Americans to raise awareness of the importance of building safety in the construction industry and to recognize the countless lives saved due to the implementation of building and safety codes by local and state agencies, and;

**WHEREAS**, as vigilant guardians -- building safety, fire prevention officials, architects, engineers, builders, and others in the construction industry are working year-round to assure the safe construction of buildings where we live, work, worship and play, and;

**WHEREAS**, Building Safety Month, is an appropriate time for all Laguna Woods residents and property owners to acknowledge the importance of building safety services constantly underway in our community.

**NOW, THEREFORE, BE IT RESOLVED** that the Laguna Woods City Council does hereby proclaim the month of May 2013 as Building Safety Month.

Dated this 17<sup>th</sup> day of April, 2013

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Bob Ring  
Mayor

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Attest: Marc Donohue  
Deputy City Clerk

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

## City of Laguna Woods Agenda Report

**FOR:** April 17, 2013 City Council Meeting  
**TO:** Honorable Mayor and Councilmembers  
**FROM:** Leslie A. Keane, City Manager  
**Agenda Item:** Consent Calendar

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### **Recommendation:**

Approve all proposed actions on the April 17, 2013 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 April 17<sup>th</sup> Consent Calendar contains the following four items:

- 6.1 Approval of the minutes from the March 20, 2013 regular and the March 27, 2013 special City Council meetings, as submitted.

## ITEMS 6.1 – 6.4

- 6.2 Approval of a motion to allow reading proposed ordinances and resolutions by title only – this is a standard practice in cities. If this motion is not approved, all ordinances and resolutions must be read out loud in their entirety during the Council Meeting.
- 6.3 Approval of a motion to receive and file the March 2013 monthly Treasurer's Report. This report identifies the City's current liquid assets and their location. At the end of March, the City had approximately \$7.9 million in cash on hand and in other liquid assets.
- 6.4 Approval of the April 17, 2013 Warrant Register, as submitted, in the total amount of \$803,501.62. This warrant register includes \$273,698 in payments for the Aliso Creek/El Toro roadway construction 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.

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 April 17, 2013 Consent Calendar.

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

**6.1**  
**MINUTES**

**CITY OF LAGUNA WOODS, CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING  
March 20, 2013  
2:00 P.M.**

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**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**

Ernie Senser, led the flag salute.

**III. ROLL CALL**

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

STAFF PRESENT:       City Manager Keane; Public Safety Director Macon; Deputy City Clerk Donohue; City Attorney Cosgrove, Planning Manager Kurnow

**IV. PRESENTATIONS**

None

**V. CITY COMMENDATIONS AND PROCLAMATIONS**

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

5.1     Proclamation – National Donate Life Month, April 2013

Councilmember Conners shared a story about a teenager who became an organ donor and later passed away; the teenager's mother was later able to hear her daughter's heart beat through another person. Councilmember Conners encouraged everyone to become an organ donor.

5.2     Proclamation – Amateur Radio Appreciation Month, April 2013

City Manager Keane introduced "RACES" members Jim Riedel, Ernie Sensor, Joe Burkhardt, Gail Gomez, and Lloyd Gomez and discussed the history of the team and services it provides.

Councilmember Conners asked what the acronym "RACES" stands for.

## ITEM 6.1

City Manager Keane stated it stands for Radio Amateur Civil Emergency Service.

Ernie Senser, "RACES" member, thanked the City for the proclamation on behalf of the "RACES" team and talked about their many duties and responsibilities.

Mayor Ring presented Mr. Senser with the proclamation.

## VI. CONSENT CALENDAR

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

6.1 Approved the minutes the February 20, 2013 special meeting, February 20, 2013 regular meeting and the March 6, 2013 special 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 February 2013 monthly Treasurer's Report.

6.4 Warrant Register

Approved the March 20, 2013 Warrant Register in the amount of \$533,103.00

6.5 Code Enforcement Services

Authorized the City Manager to execute a one year agreement with Charles Abbott Associates, Inc. for as needed code enforcement services for the 2013-2014 fiscal year, subject to approval as to form by the City Attorney.

6.6 City Hall Low Impact Development Retrofit Project

Authorized the City Manager to execute an agreement with obrARCHITETURE, Inc. for architectural and engineering services for the City Hall Low Impact Development Retrofit Project, in an amount not to exceed \$71,820, subject to approval as to form by the City Attorney.

6.7 Audit Hoc Committee

Appointed Mayor Ring and Mayor Pro Tem Robbins to an ad hoc audit committee.

## VII. PUBLIC HEARING

7.1 Reasonable Accommodations for Persons with Disabilities

## ITEM 6.1

City Manager Keane summarized the agenda report and noted that the accommodation process only relates to City regulations and development standards. She noted that the Land Use and Design Review Committee recommended to approve the adoption of the ordinance, with one abstention.

Councilmember Hatch thanked City Manager Keane for replacing a term in the document that he had requested in the previous City Council meeting.

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

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hatch, and carried unanimously to approve **Ordinance 13-02** adopting reasonable accommodations for persons with disabilities entitled:

### AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A POLICY FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

#### VIII. CITY COUNCIL

None

#### IX. CITY MANAGER

##### 9.1 Moulton Parkway Improvements

City Manager Keane summarized the agenda report and noted that the Memorandum of Understanding (MOU) would allow the Golden Rain Foundation (GRF) to go forward with a golf hole realignment that would result in a much shorter (120') and less lengthy safety net.

Councilmember Hatch asked what the proposed height of the new tee would be.

City Attorney Cosgrove replied that it would be 23-30 feet lower than the current tee.

City Manager Keane noted that GRF would need to obtain all the permits necessary to start work on the hole realignment by April 15, 2013 and would have to be substantially through with the work by May 31, 2013. She referenced the revised MOU agreement which states GRF may temporarily use hole one as a par three hole by moving the tee further down the fairway. GRF has proposed this to keep the garden center annex open until the end of the calendar year. She noted that the City's Golf Architect has approved this plan.

Councilmember Hatch thanked GRF, City Council, and the City Manager for their work on the MOU agreement and asked why the modification to a par three hole is a temporary

## ITEM 6.1

solution.

City Manager Keane noted that the proposal is only temporary because the hole needs to be a certain length for the course to be eligible for tournaments.

Councilmember Hack asked what the orientation changes will be when the tee is moved.

City Manager Keane stated golfers will be shooting from a much lower angle and not aiming towards the street, but instead shooting towards the interior area of the golf course.

Councilmember Hatch asked if it's a possibility that the garden center annex will close if GRF does not give a satisfactory design for the par three hole.

City Manager Keane stated that the City's Golf Architect does not anticipate a problem with the par-three design, but will review it before the city agrees to let play on the hole continue.

Mayor Ring thanked Lynne Dvorak, City Manager Keane, Professional Community Management, Inc. (PCM) and the County for their work on the MOU agreement.

Councilmember Hatch stated that the foundation that the City and GRF have set from this MOU holds well for the future.

Moved by Councilmember Hatch, seconded by Mayor Pro Tem Robbins, and approved unanimously to:

Approve a Memorandum of Understanding between the City and the Golden Rain Foundation regarding modifications to the Moulton Parkway Smart Street project; and authorize the City Manager to execute the agreement, subject to minor modifications and approval as to form by the City Attorney.

### 9.2 Density Bonus Regulations

City Manager Keane summarized the agenda report and noted that this is the last remaining issue that must be resolved prior to proceeding with the Housing Element update.

Planning Manager Kurnow gave a power point presentation of the proposed density bonus ordinance and explained the current law and the requirements. The proposed regulation mirror state law.

City Manager Keane stated that density bonus regulations allow developers to build more residential units than are allowed by basic zoning requirements. She noted that this is a voluntary program and developers must request a bonus.

Councilmember Hack asked if there is any benefit to passing this ordinance.

## ITEM 6.1

City Manager Keane stated that if the City does not bring their housing ordinance into conformance with state law then the City may not be eligible for grant funding projects such as the community development block grants and the Energy Efficient Program. She noted the City could also be subjected to lawsuits from advocacy agencies.

Councilmember Hatch asked – hypothetically - if the City was in a situation where a developer wants to build 10 acres of low cost housing and if the City has the power to approve or deny such a project.

City Manager Keane stated the City still has to go through an environmental review process considering issues such as air quality issues, noise, public infrastructure capacity and, ability to provide required public services.

Councilmember Hack stated that the reality is that developers want the highest return on profits and that's why there is no motivation to build low income housing.

Councilmember Hatch asked if these regulations would apply if the Village came to the City and wanted to do new construction.

City Manager Keane stated that there is specific zoning in the Village and a maximum number of units that can be built.

Councilmember Hatch asked if this would apply to the Village based on present day costs of units.

City Manager Keane stated it would depend on what the Village is constructing. She noted that affordable housing requires either maximum rental rates or a formula based on mortgages and down payments for different classes of housing.

City Manager Keane noted that every few years the City gets a Regional Housing Needs Assessment. She noted that the City is required to make land available for this requirement.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Connors, and carried unanimously to approve introduction and first reading of an ordinance to modify the City's Density bonus regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, AMENDING CHAPTER 13.26 OF THE LAGUNA  
WOODS MUNICIPAL CODE PERTAINING TO RESIDENTIAL  
DENSITY BONUS STANDARDS

## X. COMMITTEE REPORTS

### 10.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack reported about the cash-less toll road progress. He noted the

## ITEM 6.1

Agency is still in process of picking a new CEO.

### 10.2 Orange County Library Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins reported that it was the second meeting in a row that was canceled due to lack of quorum. He is hopeful that more of the cities that make up the Board see that their members attend future meetings.

### 10.3 Orange County Fire Authority (Councilmember Hatch)

Councilmember Hatch stated that Councilmember Conners will give the report because he did not attend due to a family emergency.

Councilmember Conners reported about that this was a special meeting that dealt with hazardous materials inspections. She noted that there is a disclosure program for people who live near factories or dry cleaners. She stated the Fire Authority voted to separate the disclosure issue from the permit and safe storage inspection process. She noted that the Orange County Health Care Department will take on the responsibility of disclosing hazardous material issues to the public, which she believes makes more economical sense. She noted that the Fire Authority will still have control over the inspection and safe storage process because it's important for them to know what is on the site and how its stored when responding to calls.

### 10.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack reported that the biggest thing going on right now is the Bay Delta Conservation Plan (BDCP). He noted that in November of 2013 the issue about funding for the twin tunnels to bring water south will be on the ballot. He hopes that something will get accomplished soon so that water is not lost as it was in the 1980s.

### 10.5 Coastal Greenbelt Authority (Councilmember Conners)

Councilmember Conners reported that Authority will be meeting on March 21, 2013.

### 10.6 Vector Control District Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins reported there were no dead birds found in the City. However, two birds were found in Lake Forest and Laguna Hills; they tested negative for West Nile Virus. He noted that there was concern for Flea Born Typhus in the cities of Huntington Beach, Santa Ana, and Tustin.

## XI. PUBLIC COMMENT

None

## XI. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

### 12.1 Reports on Meetings Attended per Government Code §53232.3

## ITEM 6.1

### A. Water Advisory Committee of Orange County, February 1, 2013 and March 1, 2013:

Councilmember Hack reported that at the February 1, 2013 meeting, an Engineer from South California Edison described the condition of the steam generator and the need for a replacement. He noted that the amount of electricity provided by nuclear power is 19% in the United States.

Councilmember Hack reported that at the March 1, 2013 meeting, a writer named Lar Pierce talked about his book that pertains to California and its tendency to begin projects that do not see completion. Councilmember Hack talked about a Railroad project that was funded by a \$6.2 billion grant. He stated that only \$2.2 billion will go the new railroad, \$2.1 billion will go the bay area to help with their rail system and \$2.1 billion will go to the Los Angeles area corridor to help their rail system. He noted that a rail system would benefit travelers in California because of the high cost of flying within the state.

Councilmember Connors stated that if there is grant money available, its better that's it's spent in the state of California.

### 12.2 Other Meetings, Comments and Announcements

Councilmember Connors reported on a meeting of the Orange County Waste Management Commission. She noted the efforts of the Alpha Olinda Land Field which has started a waste to energy conversion gas plant. She talked about a proposal to use incinerators to process garbage instead of land disposal, noting that incinerators can create large amounts of electricity and save thousands of carbon credits.

Councilmember Connors reminded residents that the Discovery Science Center is hosting an eco-challenge exhibit and it's a wonderful experience for kids to learn about recycling.

Councilmember Connors also reported on a Mayor's meeting she attended in Dana Point. There is an overpopulation of seagulls in Dana Point and they have been using falcons to "scare" away the seagulls from eating food at landfills. She noted she will be looking into this as a solution for the crow population in the City.

City Manager Keane announced that the Great Laguna Woods Goods Exchange will take place at City Hall on Saturday, April 27<sup>th</sup> from 8:30 a.m. – 1:00 p.m. She discussed the various services that will be provided on the day of the event and encouraged residents to bring in their unwanted items.

## XII. CLOSED SESSION

None

**XIII. ADJOURNMENT**

The meeting was adjourned at 3:16 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday April 17, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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MARC DONOHUE, Deputy City Clerk

Adopted: April 17, 2013

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ROBERT B. RING, Mayor

**CITY OF LAGUNA WOODS, CALIFORNIA  
CITY COUNCIL MINUTES  
SPECIAL MEETING  
March 27, 2013  
3:30 P.M.**

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**I. CALL TO ORDER**

Mayor Ring called the Special Meeting of the City Council of the City of Laguna Woods to order at 3:34 p.m.

**II. FLAG SALUTE**

Councilmember Hatch led the flag salute.

**III. ROLL CALL**

COUNCILMEMBERS:   PRESENT:    Hack, Hatch, Robbins, Ring  
                          ABSENT:    Connors

STAFF PRESENT:       Deputy City Clerk Donohue; City Attorney Cosgrove

**IV. CLOSED SESSION**

Councilmember Connors arrived in Closed Session at 3:36 p.m.

The City Council will meet in closed session pursuant to Government Code Section 54957 (b)(1), to consider the following: PUBLIC EMPLOYEE PERFORMANCE EVALUATION – CITY MANAGER

At the close of the meeting, City Attorney Cosgrove announced that there was no reportable action taken in the meeting. He stated Mayor Ring and Councilmember Connors were appointed to an ad hoc committee to conduct performance evaluations of the City Manager.

**V. PUBLIC COMMENT**

None

**XII. ADJOURNMENT**

The meeting was adjourned at 5:11 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday April 17, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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MARC DONOHUE, Deputy City Clerk

Adopted: April 17, 2013

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ROBERT B. RING, Mayor

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

## **6.3 TREASURER'S REPORTS**

**City of Laguna Woods**  
**Monthly Treasurer's Report**  
**March 31, 2013**

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

|                              |              |
|------------------------------|--------------|
| Local Agency Investment Fund | \$ 7,346,317 |
| Subtotal                     | \$ 7,346,317 |

2. Investments/Transportation Fund

|                              |            |
|------------------------------|------------|
| Local Agency Investment Fund | \$ 426,899 |
| Subtotal                     | \$ 426,899 |

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

|                           |                     |
|---------------------------|---------------------|
| Petty Cash Funds          | \$ 805              |
| Analyzed Checking Account | \$ 124,358          |
| Subtotal                  | \$ 125,163          |
| <b>TOTAL</b>              | <b>\$ 7,898,379</b> |

Note: LAIF reports interest earnings quarterly.

## **6.4 WARRANT REGISTER**

CITY OF LAGUNA WOODS  
WARRANT REGISTER  
April 17, 2013

| Check Number                 | Check Date | Vendor Name                      | Description                                  | Amount    |
|------------------------------|------------|----------------------------------|----------------------------------------------|-----------|
| <b>PREPAID WARRANTS:</b>     |            |                                  |                                              |           |
| <i>Automatic Bank Debits</i> |            |                                  |                                              |           |
| Debit                        | 03/14/2013 | ADP PAYROLL SERVICES             | Pay Period Ended 3/8/2013                    | 32,915.07 |
| Debit                        | 03/14/2013 | ICMA RETIREMENT CORPORATION      | Pay Period Ended 3/8/2013                    | 1,679.43  |
| Debit                        | 03/14/2013 | ADP PAYROLL SERVICES             | Processing Charges/Payroll 3/8/2013          | 122.12    |
| Debit                        | 03/28/2013 | ADP PAYROLL SERVICES             | Pay Period Ended 3/22/2013                   | 32,865.63 |
| Debit                        | 03/28/2013 | ICMA RETIREMENT CORPORATION      | Pay Period Ended 3/22/2013                   | 1,679.43  |
| Debit                        | 03/28/2013 | ADP PAYROLL SERVICES             | Processing Charges/Payroll 3/22/2013         | 122.12    |
| <b>Other</b>                 |            |                                  |                                              |           |
| 113172                       | 03/20/2013 | AFLAC                            | Employee Benefit Program/April 2013          | 153.50    |
| 113173                       | 03/20/2013 | ASTRA BUILDERS INC.              | City Hall/Library Access/Final Payment       | 23,314.33 |
| 113174                       | 03/20/2013 | AT&T                             | Telephone/581-3974/February 2013             | 79.02     |
| 113175                       | 03/20/2013 | AT&T                             | Telephone/583-1105/February 2013             | 15.96     |
| 113176                       | 03/20/2013 | BRIAN FOSTER CONSTRUCTION        | Waste Diversion Deposit Refund/BP 35303C     | 500.00    |
| 113177                       | 03/20/2013 | CAA                              | Code Enforcement/February 2013               | 3,302.00  |
| 113178                       | 03/20/2013 | CALPERS - HEALTH                 | Employee Benefit Program/April 2013          | 3,706.20  |
| 113179                       | 03/20/2013 | CASEY O'CALLAGHAN GOLF COURSE    | Moulton Smart Street/Phase 2/February 2013   | 5,506.37  |
| 113180                       | 03/20/2013 | CYNTHIA CONNERS                  | March 2013 Compensation                      | 300.00    |
| 113181                       | 03/20/2013 | COUNTY OF ORANGE - WATER QUALITY | Aliso Creek/Cost-Share/Fiscal Year 2012-2013 | 5,500.10  |
| 113182                       | 03/20/2013 | EASY TURF                        | Quarterly Dog Park Maintenance               | 340.00    |
| 113183                       | 03/20/2013 | EGS GENERAL CONTRACTORS          | Waste Diversion Deposit Refund/BP 34673D     | 250.00    |
| 113184                       | 03/20/2013 | EL TORO WATER DISTRICT           | Landscape Irrigation/February 2013           | 3,788.61  |
| 113185                       | 03/20/2013 | FOLEY, PATRICK                   | Employee Benefit Program/February 2013       | 77.91     |
| 113186                       | 03/20/2013 | HACK, BERT                       | March 2013 Compensation                      | 300.00    |

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
April 17, 2013**

| Check Number | Check Date | Vendor Name                   | Description                                      | Amount     |
|--------------|------------|-------------------------------|--------------------------------------------------|------------|
| 113187       | 03/20/2013 | ROBERT NOEL HATCH             | March 2013 Compensation                          | 300.00     |
| 113188       | 03/20/2013 | HOGLE-IRELAND                 | Planning Services/December 2012                  | 6,072.50   |
| 113189       | 03/20/2013 | LANGDON DEVELOPMENT, INC.     | Waste Diversion Deposit Refund/BP 34438D         | 900.00     |
| 113190       | 03/20/2013 | NIEVES LANDSCAPE, INC.        | Landscape Maintenance                            | 10,805.41  |
| 113191       | 03/20/2013 | REILLY, DOUGLAS C.            | Employee Benefit Program/March 2013              | 109.49     |
| 113192       | 03/20/2013 | NEAL A. RIEMER                | Waste Diversion Deposit Refund/BP 34624B         | 250.00     |
| 113193       | 03/20/2013 | RING, ROBERT                  | March 2013 Compensation                          | 300.00     |
| 113194       | 03/20/2013 | ROBBINS, MILTON               | March 2013 Compensation                          | 300.00     |
| 113195       | 03/20/2013 | SCHAEF AIR                    | CDBG Energy Efficiency Program                   | 2,250.00   |
| 113196       | 03/20/2013 | SCOTT FAZEKAS & ASSOCIATES    | Plan Check Services/February 2013                | 300.00     |
| 113197       | 03/20/2013 | SOUTHERN CALIFORNIA EDISON    | Safety Lights Over Traffic Signals/February 2013 | 382.92     |
| 113198       | 03/20/2013 | STL LANDSCAPE, INC.           | Measure M/Capital Project/Final Progress Payment | 6,691.67   |
| 113199       | 03/20/2013 | VANTAGEPOINT TRANSFER AGT-457 | 457 Plan Contribution/March 2013                 | 1,950.00   |
| 113200       | 03/20/2013 | WM CURBSIDE, LLC              | Waste Collection/January 2013                    | 2,397.84   |
| 113201       | 03/20/2013 | YAKAR                         | El Toro/Aliso Creek Project/Progress Payment 3   | 176,197.16 |
| 113202       | 03/26/2013 | AT&T                          | Telephone/458-3487/March 2013                    | 32.54      |
| 113203       | 03/26/2013 | CALIFORNIA YELLOW CAB         | NEMT/Taxi Voucher Services/February 2013         | 19,059.00  |
| 113204       | 03/26/2013 | CALPERS - RETIREMENT          | Retirement Contributions/Period Ending 3/22/13   | 5,574.91   |
| 113205       | 03/26/2013 | CAPTIONING UNLIMITED          | Closed Captioning/Council Meeting/March 2013     | 200.00     |
| 113206       | 03/26/2013 | CIVIL SOURCE                  | City Hall Generator Project/February 2013        | 5,240.00   |
| 113207       | 03/26/2013 | CNA                           | Employee Benefit Program/April-June 2013         | 518.16     |
| 113208       | 03/26/2013 | CNA                           | Employee Benefit Program/April-June 2013         | 410.36     |
| 113209       | 03/26/2013 | DELTA DENTAL OF CALIFORNIA    | Employee Benefit Program/April 2013              | 497.29     |
| 113210       | 03/26/2013 | EL TORO WATER DISTRICT        | Ridge Route Park/Irrigation/March 2013           | 210.90     |
| 113211       | 03/26/2013 | EL TORO WATER DISTRICT        | Dog Park/Irrigation/March 2013                   | 18.38      |

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
April 17, 2013**

| Check Number | Check Date | Vendor Name                    | Description                                         | Amount    |
|--------------|------------|--------------------------------|-----------------------------------------------------|-----------|
| 113212       | 03/26/2013 | EL TORO WATER DISTRICT         | City Hall Utilities/March 2013                      | 28.00     |
| 113213       | 03/26/2013 | EL TORO WATER DISTRICT         | Irrigation/February 2013                            | 101.33    |
| 113214       | 03/26/2013 | DOROTHY ELLINGTON              | Taxi Voucher Refund                                 | 45.00     |
| 113215       | 03/26/2013 | MANAGED HEALTH NETWORK         | Employee Benefit Program/April 2013                 | 22.23     |
| 113216       | 03/26/2013 | MICHAEL BRANDMAN ASSOCIATES    | Planning/Specific Plan/February 2013                | 16,190.58 |
| 113217       | 03/26/2013 | MIG HOGLE-IRELAND              | Planning Services/January 2013                      | 10,710.00 |
| 113218       | 03/26/2013 | PAPCO IRRIGATION               | Annual Backflow Inspection                          | 565.18    |
| 113219       | 03/26/2013 | PRINCIPAL FINANCIAL GROUP      | Employee Benefit Program/April 2013                 | 378.34    |
| 113220       | 03/26/2013 | K V RAO                        | Waste Diversion Deposit Refund/BP 35257B            | 500.00    |
| 113221       | 03/26/2013 | REFLEX TRAFFIC SYSTEMS         | Redlight Camera/February 2013                       | 7,500.00  |
| 113222       | 03/26/2013 | SOUTHERN CALIFORNIA EDISON     | Irrigation Controllers/March 2013                   | 99.05     |
| 113223       | 03/26/2013 | SOUTHERN CALIFORNIA WATER      | Quarterly Meeting/Hack/April 2013                   | 70.00     |
| 113224       | 03/26/2013 | UNITED STORM WATER             | Catch Basin Maintenance/September 2012              | 1,824.00  |
| 113225       | 03/26/2013 | VISION SERVICE PLAN OF AMERICA | Employee Benefit Program/April 2013                 | 137.03    |
| 113226       | 03/26/2013 | WAGE WORKS                     | Plan Administration/March 2013                      | 50.00     |
| 113227       | 03/26/2013 | YANT CONSTRUCTION              | Waste Diversion Deposit Refund/BP 34409C            | 250.00    |
| 113228       | 03/27/2013 | GRUBER & ASSOCIATES            | Auditing Services/Fiscal Year 2012                  | 3,380.00  |
| 113229       | 04/03/2013 | BERKLY HOLDINGS LLC            | Waste Diversion Deposit Refund/BP 33888C            | 250.00    |
| 113230       | 04/03/2013 | CALIFORNIA BLDG STANDARDS COMM | Quarterly Building Permit Fee Assessment/March 2013 | 894.96    |
| 113231       | 04/03/2013 | COPYFORCE                      | Business Cards/Keane/Donohue/Trippy                 | 178.20    |
| 113232       | 04/03/2013 | DAVID EVANS & ASSOCIATES INC.  | Moulton Phase II/February 2013                      | 3,501.32  |
| 113233       | 04/03/2013 | DEPARTMENT OF CONSERVATION     | Quarterly SMIP Report/January-March 2013            | 316.41    |
| 113234       | 04/03/2013 | H. MARUICE EDIGER              | Waste Diversion Deposit Refund/BP 35313C            | 250.00    |
| 113235       | 04/03/2013 | MARGARET HEALY                 | Taxi Voucher Refund                                 | 45.00     |
| 113236       | 04/03/2013 | KONICA MINOLTA                 | Copier Lease/April 2013                             | 483.84    |

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
April 17, 2013**

| Check Number | Check Date | Vendor Name                  | Description                                        | Amount     |
|--------------|------------|------------------------------|----------------------------------------------------|------------|
| 113237       | 04/03/2013 | MC FADDEN CONSTRUCTION       | Waste Diversion Deposit Refund/BP 33854C           | 750.00     |
| 113238       | 04/03/2013 | NIEVES LANDSCAPE, INC.       | Landscape Maintenance                              | 874.00     |
| 113239       | 04/03/2013 | OC TREASURER - STREETS       | Street Maintenance/February 2013                   | 3,595.78   |
| 113240       | 04/03/2013 | OC TREASURER - SHERIFF       | Sheriff Services/March 2013                        | 110,992.00 |
| 113241       | 04/03/2013 | ALLISON RODDAN               | Waste Diversion Deposit Refund/BP 33747D           | 250.00     |
| 113242       | 04/03/2013 | SADDLEBACK WINDOWS AND DOORS | CDBG Energy Efficiency Program                     | 28,703.00  |
| 113243       | 04/03/2013 | SONITROL                     | Alarm Monitoring/April 2013                        | 58.91      |
| 113244       | 04/03/2013 | SOUTHERN CALIFORNIA EDISON   | City Hall Utilities/March 2013                     | 1,003.79   |
| 113245       | 04/03/2013 | SOUTHERN CALIFORNIA EDISON   | Residential Streetlights/March 2013                | 1,802.02   |
| 113246       | 04/03/2013 | SOUTHERN CALIFORNIA EDISON   | Traffic Signal Controllers/March 2013              | 926.83     |
| 113247       | 04/03/2013 | SOUTHERN CALIFORNIA EDISON   | Ridge Route Park/March 2013                        | 49.08      |
| 113248       | 04/03/2013 | SOUTHERN CALIFORNIA EDISON   | City Centre Park/March 2013                        | 26.81      |
| 113249       | 04/03/2013 | K TURNER                     | Waste Diversion Deposit Refund/BP 34620B           | 500.00     |
| 113250       | VOID       | VOID                         | VOID                                               | -          |
| 113251       | 04/03/2013 | WLC ARCHITECTS               | City Hall Generator Project/February 2013          | 2,484.38   |
| 113252       | 04/03/2013 | WM CURBSIDE, LLC             | Waste Collection/February 2013                     | 4,656.79   |
| 113253       | 04/03/2013 | WARE DISPOSAL                | Waste Collection/February 2013                     | 1,393.36   |
| 113254       | 04/10/2013 | AT&T                         | Telephone/639-0500/March 2013                      | 186.40     |
| 113255       | 04/10/2013 | AT&T                         | Telephone/452-0600/March 2013                      | 344.75     |
| 113256       | 04/10/2013 | AT&T                         | Telephone/770-9359/March 2013                      | 16.17      |
| 113257       | 04/10/2013 | AT&T                         | White Pages/April 2013                             | 3.81       |
| 113258       | 04/10/2013 | CALPERS - RETIREMENT         | Retirements Contributions/Period Ending 04/05/2013 | 5,574.91   |
| 113259       | 04/10/2013 | CIVIL SOURCE                 | Professional Services/February 2013                | 52,496.82  |
| 113260       | 04/10/2013 | GARY GATES                   | Employee Benefit Program/March 2013                | 381.49     |
| 113261       | 04/10/2013 | ROSALIND GROSSMAN            | Taxi Voucher Refund                                | 50.00      |

**CITY OF LAGUNA WOODS  
WARRANT REGISTER**

April 17, 2013

| Check Number                  | Check Date | Vendor Name                   | Description                                   | Amount            |
|-------------------------------|------------|-------------------------------|-----------------------------------------------|-------------------|
| 113262                        | 04/10/2013 | JAMES HASTON                  | Mileage Reimbursement/March 2013              | 16.84             |
| 113263                        | 04/10/2013 | FRANCES MCKAY                 | Taxi Voucher Refund                           | 40.00             |
| 113264                        | 04/10/2013 | OC LOCAL HONEY                | Beekkeeping Service/December 2012             | 100.00            |
| 113265                        | 04/10/2013 | TERESE S. OLIVER              | Attorney/Redlight Camera/February 2013        | 1,702.50          |
| 113266                        | 04/10/2013 | PEAK LIGHTING & ELECTRIC, INC | Streetlight Maintenance/March 2013            | 704.52            |
| 113267                        | 04/10/2013 | PV MAINTENANCE INC            | Street Maintenance                            | 10,440.00         |
| 113268                        | 04/10/2013 | RUTAN & TUCKER, LLP           | Attorney Services/February 2013               | 6,835.59          |
| 113269                        | 04/10/2013 | SEVEN STAR CONTRACTOR         | Waste Diversion Deposit Refund/BP 33765C      | 500.00            |
| 113270                        | 04/10/2013 | SOUTHERN CALIFORNIA EDISON    | Safety Lights over Traffic Signals/March 2013 | 382.92            |
| 113271                        | 04/10/2013 | SOUTHERN CALIFORNIA EDISON    | Residential Streetlights/Third/March 2013     | 4,490.26          |
| 113272                        | 04/10/2013 | SOUTHERN CALIFORNIA EDISON    | Right of Way/March 2013                       | 2,170.13          |
| <b>Total Prepaid Warrants</b> |            |                               |                                               | <b>649,760.66</b> |
| <b>REGULAR WARRANTS:</b>      |            |                               |                                               |                   |
| 113273                        | 04/10/2013 | BANK OF AMERICA - CC          | Credit Card Charges/March 2013                | 100.60            |
| 113274                        | 04/10/2013 | BLUEPRINT TECHNOLOGIES        | Telephone System Maintenance                  | 67.50             |
| 113275                        | 04/10/2013 | CALIFORNIA YELLOW CAB         | Taxi Voucher Services/March 2013              | 15,981.00         |
| 113276                        | 04/10/2013 | CASEY O'CALLAGHAN GOLF COURSE | Moulton Parkway/Phase 2/March 2013            | 437.50            |
| 113277                        | 04/10/2013 | CITY OF LAGUNA BEACH          | Animal Services/March 2013                    | 7,232.75          |
| 113278                        | 04/10/2013 | CIVIL SOURCE                  | Building Inspection/March 2013                | 7,187.50          |
| 113279                        | 04/10/2013 | COMMPRO                       | Website Hosting/April 2013                    | 295.00            |
| 113280                        | 04/10/2013 | CYNTHIA CONNERS               | April 2013/Automobile Allowance               | 300.00            |
| 113281                        | 04/10/2013 | COPPOLA CONSTRUCTION          | Waste Diversion Deposit Refund/BP 35594D      | 500.00            |
| 113282                        | 04/10/2013 | COPYFORCE                     | Printing/Goods Exchange Event Flyers          | 162.00            |

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
April 17, 2013**

| Check Number                  | Check Date | Vendor Name                    | Description                                     | Amount            |
|-------------------------------|------------|--------------------------------|-------------------------------------------------|-------------------|
| 113283                        | 04/10/2013 | EL TORO WATER DISTRICT         | Irrigation/March 2013                           | 3,403.31          |
| 113284                        | 04/10/2013 | GREAT CLEANING SERVICE         | Janitorial Services & Supplies/March 2013       | 616.04            |
| 113285                        | 04/10/2013 | KONICA MINOLTA BUSINESS        | Copier Charges/January-March 2013               | 441.85            |
| 113286                        | 04/10/2013 | MIG HOGLE-IRELAND              | Planning Services/February 2013                 | 4,710.97          |
| 113287                        | 04/10/2013 | NIEVES LANDSCAPE, INC.         | City Hall Landscape Maintenance                 | 1,395.00          |
| 113288                        | 04/10/2013 | OC LOCAL HONEY                 | Beekeeping Service/January-March 2013           | 300.00            |
| 113289                        | 04/10/2013 | ORANGE COUNTY REGISTER-NOTICES | Public Notices/March 2013                       | 316.80            |
| 113290                        | 04/10/2013 | ORKIN                          | Pest Control/April 2013                         | 92.93             |
| 113291                        | 04/10/2013 | PV MAINTENANCE INC             | Street Maintenance/February 2013                | 1,984.00          |
| 113292                        | 04/10/2013 | REDFLEX TRAFFIC SYSTEMS        | Redlight Camera/March 2013                      | 7,500.00          |
| 113293                        | 04/10/2013 | RING, ROBERT                   | April 2013/Auto Allowance                       | 300.00            |
| 113294                        | 04/10/2013 | SCHAEF AIR                     | CDBG Energy Efficiency Program                  | 1,700.00          |
| 113295                        | 04/10/2013 | SYNOPTTEK                      | IT Services/April 2013                          | 1,215.00          |
| 113296                        | 04/10/2013 | YAKAR                          | El Toro/Aliso Creek Project/Progress Payment #4 | 97,501.21         |
| <b>Total Regular Warrants</b> |            |                                |                                                 | <b>153,740.96</b> |

**Total Register 803,501.62**

**March Credit Card Statement Detail**

|       |                        |                    |       |
|-------|------------------------|--------------------|-------|
| Debit | OVERNITE EXPRESS       | Delivery Services  | 20.33 |
| Debit | FEDEX                  | Delivery Services  | 37.07 |
| Debit | ORANGE COUNTY REGISTER | Newspaper Delivery | 43.20 |

**7.1**  
**DENSITY BONUS STANDARDS**

## City of Laguna Woods Agenda Report

**FOR:** April 17, 2013 City Council  
**TO:** Honorable Mayor and Council Members  
**FROM:** Leslie A. Keane, City Manager  
**AGENDA ITEM:** Density Bonus Regulations

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### **Recommendation**

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Adopt an ordinance establishing a policy with respect to reasonable accommodations for persons with disabilities entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, AMENDING THE LAGUNA WOODS  
MUNICIPAL CODE BY AMENDING SECTION 13.26.040.  
RESIDENTIAL DENSITY BONUS STANDARDS

### **Background**

The City must update its Housing Element and have it certified by the California Housing and Community Development Department by October 13, 2013. To complete the Housing Element in a timely manner, the City is required to make several modifications to its Zoning Code, including changes to its density bonus regulations to meet current state requirements.

California Density Bonus Law (Section 65915 of the Government Code) was initially

## ITEM 7.1

adopted in 1979. This law provides a density bonus (increased number of units) to developers that provide affordable units in a residential project.

In 2004, the State Legislature passed SB 1818, which significantly amended the Government Code, effective on January 1, 2005, to provide:

- A higher maximum market-rate unit density bonus of 35% for a lower percentage of affordable units provided.
- A sliding scale of market-rate density bonus percentages from 20%-35% depending on the percentage of affordable units provided.
- Provision for up to three (3) development concessions or incentives, depending on the percentage of affordable units provided.

### **Discussion**

Staff is proposing an ordinance that would replace the current density bonus section (Section 13.26.040) of the City's Municipal Code. The proposed ordinance establishes procedures for processing density bonus applications; outlines projects eligible and specifies the density bonus available; identifies incentives and concessions available to developers utilizing density bonus provisions; and specifies regulatory agreement procedures to ensure long term affordability of affordable units.

### **Basic Density Bonus Provisions**

Density refers to the number of residential units which can be constructed on a piece of property. Density bonus laws are intended as a tool to encourage developers to provide affordable housing. The concept is that a residential development receives concessions or incentives and the ability to construct additional housing units (density bonus), thereby making it more financially feasible to develop affordable units.

Current state law requires local jurisdictions to grant density bonus incentives and concessions to residential development projects which contain 1) 10 percent of total units for low income households; 2) 5 percent of total units for very low income households; 3) specified units for senior citizens; or 4) 10 percent of total units in a common interest development for families of moderate income. The specific density bonus allowed is detailed in the law, and the bonus increases as the number of affordable units increase. Affordable rental units provided must remain affordable for at least 30 years. The law also includes provisions which allow for a density bonus in return for land dedication, condominium conversions, and development of child care facilities.

## ITEM 7.1

Density bonus concession and incentive include 1) a reduction in site development standards or zoning code requirements such as lot size and setbacks; 2) approval of mixed use as part of the housing development; 3) priority processing of applications and permits; and other proposals made by a developer that would result in cost reductions. Upon meeting certain state-mandated requirements, a developer is eligible for at least one concession or incentive, with additional concessions or incentives allowed as the percentage of affordable units increase.

If conditions are met, the City must grant a concession or incentive unless findings can be made that they 1) are not needed to provide affordable housing; 2) would have a specific adverse impact upon health or safety, the environment, or a historic resource; or 3) are contrary to state or federal law.

### **Density Bonuses for Land Donation, Condominium Conversion, Child Care**

A density bonus may be provided in situations where land is dedicated to the City for future affordable housing, rental units are converted to ownership or when child care facilities are included in or adjacent to a housing development.

The proposed regulations require at least a one acre donation or sufficient land to construct 40 units for very low income households. The land must have a high density land use designation and zoning, be served by public facilities within the proposed development or within one-quarter mile, and have a source of funding for the affordable units. The land must also be dedicated prior to approval of the final map or development project.

A density bonus is also available for a condominium conversion if the conversion from apartments to condominiums reserves at least 33 percent of total units for low and moderate income households.

Finally, the proposed regulations provide additional density, incentives and concessions for housing developments that include a child care facility or are immediately adjacent to such a facility.

### **Residential Parking Requirement**

In accordance with state law, the parking requirement for residential projects which seek and receive a density bonus cannot exceed the following:

- Zero to one bedroom: one onsite parking space.
- Two to three bedrooms: two onsite parking spaces.
- Four and more bedrooms: two and one-half parking spaces.

This would be an exception to existing City requirements for zero and one bedroom units, which require one and a half parking spaces. The parking exception would only apply to projects that meet density bonus requirements.

### **Permit Required**

Residential development projects that include a request for a density bonus and/or incentive pursuant to the proposed regulation would require approval of a conditional use permit; however, the City would be unable withhold approval of the requested density bonus and associated concessions/incentives without making specific findings in conformance with state law.

### **Relationship to Inclusionary Regulations**

Chapter 13.25 of the Laguna Woods Municipal Code contains the City's inclusionary housing provisions, which require developers to include a certain percentage of very low and low income units in new projects. While state-mandated density bonus requirements are voluntary, inclusionary requirements are mandatory. Both contain provisions for increased density; however, density bonus units are in addition to units required by inclusionary provisions. Inclusionary requirements also only apply to for sale housing.

### **Environmental Review**

The Density Bonus Ordinance is exempt from CEQA based on Section 15061 (b)(3), which states that where it can be seen with certainty that there is no possibility that an activity has the potential to have a significant effect on the environment that it is not subject to CEQA. The activity to be evaluated by CEQA is the Zoning Code revision. The revision to the density bonus section of the Zoning Code will not result in any physical development in and of itself, and thus will not have an impact on the environment. Further, any future development which utilizes the density bonus ordinance will require environmental review specific to the proposed site.

### **Fiscal Impact**

The proposed Zoning Code Amendment has been developed by City staff to address regulatory needs of the City. The costs associated with Zoning Code Amendments are part of the routine operation of the City and have been anticipated and included as part of the current Community Development Department budget. State law prohibits the City from charging an application fee for the review of a density bonus. In most cases the density bonus would accompany another application which would offset any staff costs associated with processing a project with density bonus provisions.

**Committee Action**

The Land Use and Design Review Committee reviewed and discussed the proposed density bonus ordinance at their April 11, 2013 meeting. Questions were raised regarding the need for density bonus regulations given the lack of land for future residential development and the impact of the proposal on any future development in the Laguna Woods Village gated community. Following the discussion, the Committee voted unanimously to recommend adoption of the density bonus ordinance to the City Council.

**Conclusion**

Affordable housing is recognized as a significant issue at both the state and local levels. To address housing needs, the state requires that cities include affordable housing in their housing elements and that they provide developers incentives to encourage construction. The proposed ordinance outlines a specific process by which a developer may take advantage of density bonus provisions in exchange for affordable housing. The density bonus provisions are not mandatory; however, they do help to make lower income housing projects economically viable to private developers. The adoption of the proposed density bonus provisions satisfies state housing requirements.

Report Prepared by: Brian Kurnow, Planning Manager

Attached: Proposed Ordinance

**ORDINANCE NO. 13-03**

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,  
AMENDING CHAPTER 13.26 OF THE LAGUNA WOODS MUNICIPAL  
CODE PERTAINING TO RESIDENTIAL DENSITY BONUS  
STANDARDS

**WHEREAS**, the City Council of the City of Laguna Woods wishes to encourage the provision of affordable housing in accordance with state guidelines.

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

SECTION 1.      Municipal Code Section Repealed

Section 13.26.040 Residential density bonus standards of Chapter 13.26 of the Laguna Woods Municipal Code is hereby repealed.

SECTION 2.      Municipal Code Section Added

A replacement Section 13.26.040 of Chapter 13.26 of the Laguna Woods Municipal Code is hereby added to read as follows:

(a) Purpose and intent. This chapter is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with California Government Code Sections 65915 and 65917, as amended or superseded. In enacting these provisions, it is the intent of the city to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the city's housing element.

(b) Definitions. For the purpose of this chapter, the following definitions shall apply:

(05) Affordable Housing Development means any housing subsidized by the federal or state government, or any housing development in which at least 20 percent of the housing units are affordable dwelling units.

## ITEM 7.1

(07) Affordable Housing Development Density Agreement means a written agreement between an applicant for a development and the City of Laguna Woods containing specific requirements to ensure the continuing affordability of housing included in the development.

(09) Affordable Housing Development Plan means that plan prepared by an applicant for an Affordable Housing Development under this ordinance that outlines and specifies the development's compliance with the applicable requirements of this ordinance.

(11) Affordable Dwelling Unit means a dwelling unit within a residential development project that is reserved for sale or rent and offered at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053 (as amended or superseded), to persons and families of very low, lower and moderate income.

(13) Density Bonus means those additional residential units granted which exceed the maximum residential density for the development site.

(15) Maximum Residential Density means the maximum number of residential units permitted by this zoning code and the land use element of the city's general plan at the time of application excluding the units added by a Density Bonus.

(17) Median Gross Household Income means the median income level for the City of Laguna Woods, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

(19) Renovation means physical improvement that adds to the value of real property, but that excludes painting, ordinary repairs, and normal maintenance.

(21) Residential Development means the entire proposal to construct or place one or more dwelling units on a particular lot or contiguous lots including, without limitation, a planned unit development, parcel map, site plan, or subdivision.

## ITEM 7.1

(c) Eligibility for bonus and incentives. To be eligible for a density bonus and other incentives as provided by this chapter, a proposed residential development project shall:

(1) Consist of five or more dwelling units; and

(2) Include one or more of the following within the development:

a. Ten percent of the total dwelling units reserved for lower income households, as defined in California Health and Safety Code Section 50079.5; or

b. Five percent of the total dwelling units reserved for very low income households, as defined in California Health and Safety Code Section 50105; or

c. A senior citizen housing development as defined in California Civil Code Sections 51.3 and 51.12; or

d. Ten percent of the total dwelling units in a condominium project or in a planned development as defined in California Civil Code Section 1351(f) and (k), respectively, reserved for persons and families of moderate income, as defined in California Health and Safety Code Section 50093.

(d) Types of Bonuses and Incentives Allowed:

A residential development project that satisfies all relevant provisions of this chapter shall be entitled to a density bonus and one or more incentives described below. If the density bonus units cannot be accommodated on a parcel due to strict compliance with the provisions of this title, the city council shall waive or modify development standards to accommodate the density bonus units and/or grant the incentives to which the development would be entitled pursuant to this chapter, unless such waiver, modification or incentive would have a specific adverse impact, as defined herein, upon health, safety, or the physical environment, and for which there is no feasible method to mitigate or avoid the specific adverse impact.

(1) Minimum Density Bonus. The minimum density bonus granted to a residential development project that is eligible for a density bonus pursuant to this chapter shall be equal to at least:

## ITEM 7.1

- a. A 20 percent increase in density, when the development meets the requirements of subsection (c)(2) a, b or c of this section;
- b. A five percent increase in density, when the development meets the requirements of subsection (c)(2) d of this section;
- c. A 15 percent increase in density, when an applicant for a residential development project donates land to the city in accordance with the requirements of California Government Code Section 65915(g)(1); and (2) of sufficient acreage to permit construction of units affordable to very low income households equal to at least 10 percent of the total dwelling units. Nothing in this chapter shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development; or
- d. The city may, in its discretion, grant a density bonus that is proportionately greater than that described in subsections (d)(1) a through c of this section for a development that meets the requirements therein, or proportionately lower than that described in subsections (d)(1) a through c of this section for a development that does not meet the requirements therein.

(2) Additional Density Bonus. A residential development project that satisfies all relevant provisions of this chapter and that includes affordable housing units in excess of the base percentage established in subsection (c)(2) of this section shall be entitled to an additional density bonus and one or more incentives described below. The amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the base percentage established in subsection (c)(2) of this section. The amount of density bonus for a donation of land shall vary according to the amount by which the donation exceeds the base donation established by California Government Code Section 65915(g).

- a. Lower Income Households. For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent.
- b. Very Low Income Households. For each one percent increase above five percent in the percentage of units affordable to very low income

## ITEM 7.1

households, the density bonus shall be increased by two and one-half percent.

c. Moderate Income Households. For each one percent increase above 10 percent in the percentage of units affordable to moderate income households in a condominium project or a planned development, the density bonus shall increase by one percent.

d. Donation of Land. The density bonus shall be increased by one percent for each one percent increase in the donation of land above the minimum 10 percent requirement of subsection (d)(1) c of this section. Nothing in this chapter shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

(3) The Density Bonus units shall not be included when determining the total number of dwelling units in the residential development project. All calculations resulting in fractional units shall be rounded up to the next whole number. In no event shall the city be required to grant more than a 35 percent increase over the otherwise maximum allowable residential density under the applicable provisions of this code and the land use element of the City's General Plan. The density bonus percentages available pursuant to the requirements of this chapter are shown in the following table:

**Table 15.58.010**

### **Density Bonus Percentages**

|                | <b>Qualifying Percentage (of total units)</b> | <b>Minimum Density Bonus (above maximum allowable density)</b> | <b>Increase in Density Bonus (for each 1% over qualifying percentage)</b> |
|----------------|-----------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------|
| Lower          | 10%                                           | 20%                                                            | 1.5%                                                                      |
| Very Low       | 5%                                            | 20%                                                            | 2.5%                                                                      |
| Moderate       | 10%                                           | 5%                                                             | 1%                                                                        |
| Senior Citizen | n/a                                           | 20%                                                            | n/a                                                                       |
| Donation       | 10%                                           | 15%                                                            | 1%                                                                        |

## ITEM 7.1

(4) Incentives – Number. An eligible residential development project shall receive the incentives described in subsection (d)(5) of this section, as follows:

a. Lower Income Households. An applicant shall receive:

- i. One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for lower income households;
- ii. Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for lower income households; and
- iii. Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for lower income households.

b. Very Low Income Households. An applicant shall receive:

- i. One incentive for a residential development project in which at least five percent of the total dwelling units are reserved for very low income households;
- ii. Two incentives for a residential development project in which at least 10 percent of the total dwelling units are reserved for very low income households; and
- iii. Three incentives for a residential development project in which at least 15 percent of the total dwelling units are reserved for very low income households.

c. Moderate Income Households. An applicant shall receive:

- i. One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development;
- ii. Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for persons

## ITEM 7.1

and families of moderate income in a condominium project or a planned development; and

iii. Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development.

(5) Incentives – Description. A residential development project that is eligible to receive incentives pursuant to subsection (d)(4) of this section shall be entitled to the following incentives in the number specified in subsection (d)(4) of this section:

a. A reduction in the applicable development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements).

b. Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.

c. Other regulatory incentives or concessions proposed by the applicant or the city that would result in identifiable cost reductions.

(6) Nothing in this chapter shall be construed to require the city to provide, or limit the city's ability to provide, direct financial incentives for housing developments, including the provision of publicly owned land by the city or the waiver of fees and dedication requirements.

(7) Limitations and Exceptions.

a. In order to receive incentives as described in subsections (d)(4) and (5) of this section, an applicant must submit a proposal to the city requesting the specific incentives that the applicant desires.

b. The city shall grant the eligible incentives requested by the applicant pursuant to subsection (d)(7) a of this section and required pursuant to subsection (d)(4) of this section, unless the city makes a written finding, based upon substantial evidence, of either of the following:

## ITEM 7.1

i. The incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Sections 50052.5 and 50053; or

ii. The incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. As used in this subsection, a “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

c. The city’s granting of an incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

d. Nothing in this chapter shall be interpreted to require the city to waive or reduce development standards or to grant an incentive that would have a specific adverse impact upon health, safety or the physical environment for which there is no feasible method to mitigate or avoid the specific adverse impact; nor shall this subsection require the city to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

e. The affordable units shall be generally dispersed throughout the residential development project and shall not differ in appearance from the other dwelling units in the project.

### (e) Continued Affordability – Equity Sharing.

(1) Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives have been granted pursuant to this chapter, the developer shall identify the affordable units and shall enter into a written covenant with the city to guarantee one or both of the following, as applicable:

## ITEM 7.1

a. Lower and very low income households: The lower and very low income units shall continue to be offered and available at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053, for a minimum of 30 years, which 30-year restriction shall survive the sale or transfer of the units.

b. Moderate income households: The initial occupant of any moderate income unit in a condominium project or a planned development shall be a person or family of moderate income. The moderate income unit shall be offered at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053. An equity-sharing agreement will be required indicating that upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Upon resale, the city shall recapture its proportionate share of appreciation, which shall be equal to the percentage by which the initial sale price of the unit to the person or family of moderate income was less than the fair market value of the unit at the time of initial sale. The city shall spend such recaptured funds within three years for the construction, rehabilitation, or preservation of affordable housing for very low, low and moderate income persons or families, as described in California Health and Safety Code Section 33334.2(e).

c. The terms and conditions of the covenant required by subsection (e)(1) a of this section and the equity-sharing agreement required by subsection (e)(1) b of this section shall run with the land which is to be developed, shall be binding upon the successor(s)-in-interest of the developer, and shall be recorded in the county recorder's office. In addition to the requirements described in subsections (e)(1) a and b of this section, the covenant or agreement shall include the following provisions:

i. The city shall have a continuing right of first refusal to purchase or lease any or all of the affordable units at the current fair market value; and

ii. The deeds to the affordable units shall contain a covenant stating that the owner shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sell or rental price of the unit is consistent

## ITEM 7.1

with the limits established by this chapter for lower, very low and moderate income persons and families; and

iii. The city shall have the authority to enter into other agreements with the developer or purchasers of the affordable units, as may be necessary to ensure that the lower and very low income units are continuously occupied by persons or families of lower and very low income.

### (f) Child Care Facilities.

(1) When an applicant proposes to construct a residential development project described in subsection (c) of this section that includes a child care facility located on the premises of, as part of, or adjacent to the project, the city shall grant either of the following:

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility, as determined by the city in its discretion.

(2) The city shall require, as a condition of approving the residential development project, that the following occur:

a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to subsection (E) of this section.

b. Of the children who attend the child care facility, the children of very low, lower and moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low, lower or moderate income households pursuant to subsection (c)(2) of this section.

(3) Notwithstanding subsections (f)(1) and (2) of this section, the city shall not be required to provide a density bonus or incentive for a child care

## ITEM 7.1

facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

### (g) Condominium Conversions.

(1) An applicant shall be eligible for either a density bonus or other incentives or concessions of equivalent financial value in accordance with State law if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total units of the proposed condominium project as target units affordable to households with moderate incomes or less, or to provide 15 percent of the total units in the condominium conversion project as target units affordable to lower-income households. All such target units shall remain affordable for the period specified in the density bonus housing agreement.

(2) For purposes of this Subsection, a density bonus means an increase in units of 25 percent over the number of units to be provided within the existing structure or structures proposed for conversion.

(3) No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives or concessions were previously provided pursuant to this Chapter or Government Code § 65915.

### (h) Processing of Bonus Request.

(1) Permit Required. Residential development projects that include a request for a density bonus and/or incentive pursuant to this chapter shall require the approval of a conditional use permit, which shall be approved by the city council, provided, however, that in no event shall city council withhold approval of a Density Bonus to which an Affordable Housing Development is entitled to under State law.

(2) Initial Review of Density Bonus Request. The director shall notify the applicant within 90 days of the filing of the conditional use permit application whether the residential development project qualifies for the density bonus and incentives described in this chapter.

(3) Criteria to Be Considered. Criteria to be considered in analyzing a request for a density bonus shall include whether the applicant has agreed to

## ITEM 7.1

construct affordable units that meet the requirements of subsection (c) of this section. Criteria to be considered in analyzing a requested incentive shall include whether an incentive has a specific adverse impact upon health, safety or the physical environment, and whether there is no feasible method to eliminate or mitigate such specific adverse impact.

(4) Findings for Approval. In addition to the findings required for the approval of a conditional use permit, the following additional findings must be made for the approval of a density bonus:

- a. The residential development project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the general plan;
- b. The number of dwelling units can be accommodated by existing and planned infrastructure capacities;
- c. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter;
- d. In the event that the city does not grant at least one incentive described in subsection (d)(5) of this section, that additional concessions or incentives are not necessary to provide housing at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053; and
- e. There are sufficient provisions to guarantee that the lower and very low income units will remain affordable in the future.

(h) Vehicular Parking Ratio. Upon approval of a density bonus application and at the request of the developer, the City shall grant the following parking concessions:

- (1) Zero to one bedroom: one onsite parking space
- (2) Two to three bedrooms: two onsite parking spaces
- (3) Four or more bedrooms: two and one-half parking spaces

SECTION 3.      Effective Date

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

SECTION 3.      City Clerk's Certification

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

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of April 2013.

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

ATTEST:

\_\_\_\_\_  
MARC DONOHUE, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID B. COSGROVE, City Attorney

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

I, MARC DONOHUE, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 13-03** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 20<sup>th</sup> of March, 2013 and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the 17<sup>th</sup> day of April, 2013 by the following vote to wit:

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

\_\_\_\_\_  
MARC DONOHUE, Deputy City Clerk

**8.1**  
**CITY COUNCIL 2013 MEETING SCHEDULE**

## Proposed 2013 City Council Meeting Schedule

|                            |                                                    |
|----------------------------|----------------------------------------------------|
| May 1 <sup>st</sup>        | adjourned regular meeting/annual budget discussion |
| May 15 <sup>th</sup>       | regular meeting/annual budget discussion           |
| June 19 <sup>th</sup>      | regular meeting/city manager's budget presentation |
| June 26 <sup>th</sup>      | adjourned regular meeting/annual budget adoption   |
| July 17 <sup>th</sup>      | regular meeting                                    |
| August 21 <sup>st</sup>    | regular meeting                                    |
| September 18 <sup>th</sup> | regular meeting                                    |
| October 16 <sup>th</sup>   | regular meeting                                    |
| November 13 <sup>th</sup>  | adjourned regular meeting                          |
| November 20 <sup>th</sup>  | meeting cancelled due to Thanksgiving holiday      |
| December 18 <sup>th</sup>  | regular meeting                                    |

**9.1**

**RED LIGHT PHOTO ENFORCEMENT PROGRAM**

**City of Laguna Woods  
Agenda Report**

**DATE:** April 17, 2013 City Council Meeting  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, Director of Public Safety   
**AGENDA ITEM:** Red Light Photo Enforcement Program

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**Recommendation**

Approve a Memorandum of Understanding between the City and Redflex Traffic Systems, Inc. modifying and extending the existing automated red light photo enforcement system agreement; and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

**Background**

In 2005, the City Council approved an agreement with Redflex Traffic Systems, Inc. for red light photo enforcement at the intersections of El Toro Road/Moulton Parkway and Laguna Woods Village Gate 12/Moulton Parkway. Modifications to the agreement, including term extensions, were approved in 2010, 2011, and 2012. The existing agreement will end on June 30, 2013 unless the City Council exercises the 12 month term extension provided for in the agreement.

**Discussion**

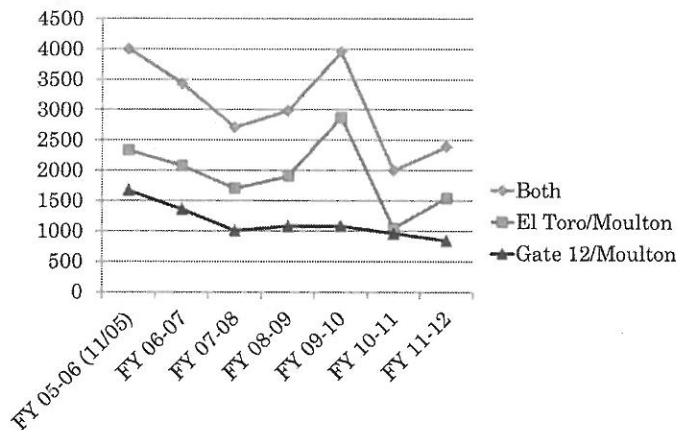
**Citations Issued**

The red light photo enforcement program has averaged 3,066 citations each fiscal year since the first citation was issued in November 2005, ranging from a low of 2,001 in Fiscal Year 2010-11 to a high of 3,997 in Fiscal Year 2005-06. Of those, approximately 63% are issued for the El Toro Road/Moulton Parkway intersection and 37% are issued for the Village Gate 12/Moulton Parkway intersection.

In the first year of the program, nearly 4,000 citations were issued, after which the total number of citations at both intersections gradually declined before reaching a

low of 2,711 in Fiscal Year 2007-08. Citations then rose to match the first year's total of just under 4,000 in Fiscal Year 2009-10. In Fiscal Year 2010-11, the total number of citations decreased to 2,001 as a result of significant camera downtime caused by Phase 1 of the Moulton Smart Street construction. Citations issued in the current fiscal year are anticipated to be 10% lower than the 2,386 citations issued in Fiscal Year 2011-12. The final phase of the Moulton Smart Street construction is expected to cause intermittent camera downtime throughout 2013.

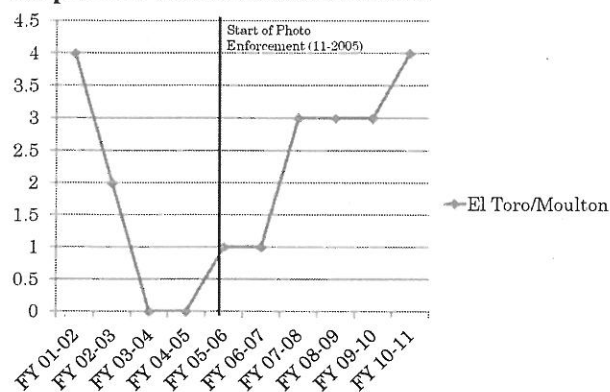
**Graph 1: Citations Issued**



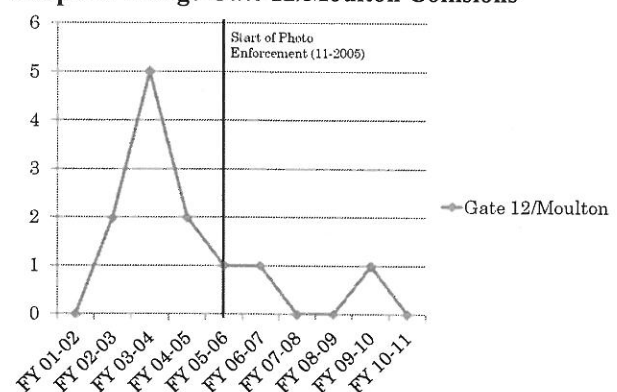
## Collisions

In 2011, staff reviewed 10 years of collision data and found that the number of collisions related to signal violations at the two photo enforced intersections has fluctuated slightly but not changed in any significant manner. The El Toro Road/Moulton Parkway intersection averaged 2.1 signal violation-related collisions per year, with a high of four collisions per year. The Laguna Woods Village Gate 12/Moulton Parkway intersection averaged 1.2 signal violation-related collisions per year, with a high of five collisions per year.

**Graph 2: El Toro/Moulton Collisions**



**Graph 3: Village Gate 12/Moulton Collisions**



### Effect on Rear End Collisions

Opponents of red light photo enforcement programs often cite an alleged increase in rear end collisions as a consequence of the use of cameras. There has been no significant change in the number of rear end collisions at either intersection.

### Alternative Enforcement Methods

The Orange County Sheriff's Department is unable to provide a comparable level of enforcement to the red light photo enforcement program due to the size and structure of the intersections. A motorcycle deputy could provide limited amounts of enforcement; however photo enforcement remains the most effective method of enforcing red light violations at both intersections.

If the program ends, the City's deputy currently assigned to the red light photo enforcement program would be able to spend approximately 20 additional hours in the field per week providing front-line traffic and law enforcement services. City staff that provide program support would be assigned to other projects.

The City Council could take the following actions concerning the future of the red light photo enforcement program:

1. Take no action and allow the current agreement to end on June 30, 2013; or
2. Extend the agreement for an additional term under new conditions.

Staff is recommending approval of a memorandum of understanding (MOU) to the existing agreement that would reduce the cost of the program and extend the term for 12 months through June 30, 2014. The City Council would continue to have the ability to terminate the agreement, without cause, with 45-days notice.

### **Fiscal Impact**

The City's existing agreement with Redflex includes a monthly fee of \$3,000 for each of the five red light photo enforced approaches (\$15,000 per month). Under the terms of the MOU entered into in June 2012, Redflex lowered the monthly fee by \$7,500 for a period of nine months ending in March 2013 (savings of \$67,500). The proposed MOU would lower the monthly fee by \$6,250 per month beginning in April 2013 for 15 months through the end of the proposed extended term in June 2014. This would result in an unanticipated additional savings of \$18,750 in the current fiscal year and a savings of \$75,000 in the upcoming fiscal year. Overall, staff anticipate that this would cause the program to either break even or generate

some revenue, depending on the amount of legal services and staff time required, as well as the receipt of State grant funds and other revenues.

The red light photo enforcement program is a time intensive operation that requires a dedicated deputy to issue citations and appear in court. Unlike the majority of cities in California, an attorney is also required to appear on behalf of the City. Repeated legal challenges have increased the cost of legal services in recent years and are expected to continue. City staff time is required to manage the agreement with Redflex and respond to public records/discovery requests. On occasion, staff is also required to testify in court concerning initial camera procedures.

Expenditures related to the red light photo enforcement program have historically been offset by Vehicle Code Fines and California Supplemental Law Enforcement Services Funding (SLESF). Despite legislative improvements related to the State's granting of SLESF funds, staff continues to view the \$100,000 per year that the City receives as uncertain, particularly in light of the State's ability to delay and modify terms of payment. Vehicle Code Fines also continue to fluctuate. At this point, staff anticipate that current year fines will at least be received as budgeted.

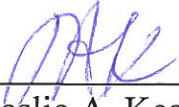
### **Advisory Committee Action**

At their meeting on April 9, 2013, the Public Safety Committee unanimously voted to recommend that the City Council approve a memorandum of understanding with Redflex, including a 12-month term extension and cost reduction. Members of the Committee also encouraged the City to evaluate the use of in-pavement crosswalk lighting, permanent speed signs, and permanent prepare to stop signs as a means of improving intersection visibility and reducing red light violations.

### **Conclusion**

The red light photo enforcement program allows the City to provide a level of traffic enforcement that would otherwise not be possible. The proposed MOU with Redflex would continue the program through June 2014 at a reduced cost.

Approved by:

  
\_\_\_\_\_  
Leslie A. Keane, City Manager

Attachment: Memorandum of Understanding

**Memorandum of Understanding  
between  
Redflex Traffic Systems, Inc.  
and the  
City of Laguna Woods**

This Memorandum of Understanding ("MOU") is made and entered into this \_\_\_\_ day of April 2013 ("Effective Date") by and among Redflex Traffic Systems, Inc. ("Redflex"), a Delaware corporation, and the City of Laguna Woods, a California municipal corporation ("City"). Redflex and the City are collectively referred to as the "Parties."

1. On July 11, 2005, the Parties entered into an Agreement for automated red light photo enforcement systems. The Agreement was amended in 2010, 2011, and 2012 (collectively the "Agreement").
2. The term of the Agreement will end on June 30, 2013 unless the City exercises its right to extend the term of the Agreement for up to one (1) additional twelve (12) month period.
3. Redflex desires to assist the City with temporarily reducing the financial cost of operating the red light photo enforcement systems due to unique conditions that exist currently for the City.

NOW THEREFORE, with no other changes to the terms or conditions of the Agreement, Redflex and the City hereby agree:

1. Upon the Effective Date, the term of the Agreement shall be extended for twelve (12) months beginning on July 1, 2013 and ending on June 30, 2014. This extension shall be without prejudice to the City's termination rights under the Agreement.
2. Redflex will decrease the amount the City would otherwise owe Redflex under the Agreement by \$6,250 per month for fifteen (15) months beginning on April 1, 2013 and ending on June 30, 2014.

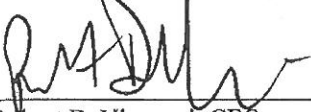
IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed the day and year first above written.

**CITY OF LAGUNA WOODS:**

By \_\_\_\_\_  
Leslie A. Keane, City Manager

\_\_\_\_\_  
Date

**REDFLEX TRAFFIC SYSTEMS, INC.:**

By  \_\_\_\_\_  
Robert DeVincenzi, CEO

4-5-13  
\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David B. Cosgrove, City Attorney

\_\_\_\_\_  
Date