

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting
Wednesday, August 21, 2019
2:00 p.m.

Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637

Cynthia Connors
Mayor

Noel Hatch
Mayor Pro Tem

Shari L. Horne
Councilmember



Carol Moore
Councilmember

Joe Rainey
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

This meeting may be recorded, televised, and made publicly available.

Public Comments: Persons wishing to address the City Council are requested to complete and submit a speaker card to City staff. Speaker cards are available near the entrance to the meeting location. Persons wishing to address the City Council on an item appearing on this agenda will be called upon at the appropriate time during the item's consideration. Persons wishing to address the City Council on an item *not* appearing on the agenda will be called upon during the "Public Comments" item. Persons who do not wish to submit a Speaker Card, or who wish to remain anonymous, may indicate their desire to speak from the floor. Speakers are requested, but not required, to identify themselves.

Americans with Disabilities Act (ADA): It is the intention of the City to comply with the ADA. If you need assistance to participate in this meeting, please contact either the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535 or the California Relay Service at (800) 735-2929/TTY (800) 735-2922. The City requests at least two business days' notice in order to effectively facilitate the provision of reasonable accommodations.

REGULAR MEETING SCHEDULE

The Laguna Woods City Council meets regularly on the third Wednesday of each month at 2 p.m.

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AFFIDAVIT OF POSTING

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

I, Yolie Trippy, City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City's website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 17-30, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.



YOLIE TRIPPY, CMC, City Clerk

8-15-19

Date

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Take Me Home Presentation – Orange County Sheriff’s Department

Recommendation: Receive and file.

V. PUBLIC COMMENTS

About Public Comments: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. Pursuant to State law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

VI. CONSENT CALENDAR

About the Consent Calendar: All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, City staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

6.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the regular meeting on June 19, 2019 and the adjourned regular meeting on June 26, 2019.

6.2 City Treasurer’s Report

Recommendation: Receive and file the City Treasurer’s Report for the month of July 2019.

6.3 Warrant Register

Recommendation: Approve the warrant register dated August 21, 2019 in the amount of \$589,074.88.

VII. PUBLIC HEARINGS

7.1 Conditional Use Permit CUP-1362 to allow for the establishment of a pet daycare and boarding facility with accessory retail, grooming, behavior training, and outdoor exercise and play areas, as well as alternatives to the off-street parking provisions and exceptions and modifications to the fence and wall height provisions contained in the Laguna Woods Municipal Code, at 24334 El Toro Road, Laguna Woods, CA 92637

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1362 TO ALLOW FOR THE ESTABLISHMENT OF A PET DAYCARE AND BOARDING FACILITY WITH ACCESSORY RETAIL, GROOMING, BEHAVIOR TRAINING, AND OUTDOOR EXERCISE AND PLAY AREAS, AS WELL AS ALTERNATIVES TO THE OFF-STREET PARKING PROVISIONS AND EXCEPTIONS AND MODIFICATIONS

TO THE FENCE AND WALL HEIGHT PROVISIONS
CONTAINED IN THE LAGUNA WOODS MUNICIPAL
CODE, AT 24334 EL TORO ROAD, LAGUNA WOODS, CA
92637

7.2 Notary Public Fees

Recommendation:

1. Receive staff report.

AND

2. Open the public hearing that was continued from the regular City Council meeting on July 17, 2019.

AND

3. Receive public testimony.

AND

4. Close the public hearing.

AND

5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEW
AND INCREASED OR MODIFIED NOTARY PUBLIC FEES

7.3 Assembly Bill 2766 Mobile Vehicle Subvention Program

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 3.16 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE ASSEMBLY BILL 2766 MOBILE VEHICLE SUBVENTION PROGRAM, IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 44243(B)

VIII. CITY COUNCIL BUSINESS

8.1 2018-2019 Orange County Grand Jury Report, “Orange County’s Urban Forest”

Recommendation: Approve a response to the 2018-2019 Orange County Grand Jury Report, “Orange County’s Urban Forest,” authorize the Mayor to execute the response, and direct the City Manager to submit the response as required by applicable law.

8.2 Aggressive Solicitation Regulations

Recommendation: Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING CHAPTER 7.22 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO AGGRESSIVE SOLICITATION

8.3 City Council Meeting Schedule

Recommendation: Reschedule the regular City Council meeting on October 16, 2019 at 2 p.m. at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

IX. CITY COUNCIL REPORTS AND COMMENTS

About City Council Comments and Reports: This is the time and place for members of the City Council to provide reports on meetings attended including, but not limited to, meetings of regional boards and entities to which they have been appointed to represent the City and meetings attended at the expense of the City pursuant to California Government Code Section 53232.3. Members of the City Council may also make other comments and announcements.

9.1 Coastal Greenbelt Authority

Mayor Conners; Alternate: Councilmember Horne

9.2 Orange County Fire Authority

Mayor Pro Tem Hatch

9.3 Orange County Library Advisory Board

Councilmember Rainey; Alternate: Councilmember Moore

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Conners; Alternate: Councilmember Moore

9.6 South Orange County Watershed Management Area

Councilmember Moore; Alternate: Mayor Pro Tem Hatch

9.7 Other Comments and Reports

- California Joint Powers Insurance Authority's Annual Board of Directors Meeting – July 17, 2019 (Mayor Conners)

- Other Comments and Reports

X. CLOSED SESSION

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Regular Meeting:

Wednesday, September 18, 2019 at 2 p.m.

Laguna Woods City Hall

24264 El Toro Road, Laguna Woods, California 92637

4.1

**TAKE ME HOME PRESENTATION –
ORANGE COUNTY SHERIFF'S DEPARTMENT**

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NEWS RELEASE

SHERIFF-CORONER DON BARNES

FOR IMMEDIATE RELEASE

Public Information Manager Carrie Braun
W: 714-647-7042 | C: 714-904-7042

OCSD launches Take Me Home to reunite at-risk missing persons with loved ones

SANTA ANA, Ca. (July 9, 2019) – The Orange County Sheriff's Department this month has launched a regional registry to assist families and caregivers of those who have certain medical conditions, special needs or disabilities that may make communication with law enforcement difficult.

Take Me Home is a free program available to residents living in Sheriff's Department jurisdiction that will assist those with dementia, Alzheimer's, autism, Down syndrome or any developmental disability or medical condition that might impact an individual's ability to effectively communicate.

The registry, which will be accessible only by law enforcement, will assist Sheriff's Department personnel by maximizing search efforts and minimizing response time. The registry will allow critical information that could assist in locating the missing individual to be quickly disseminated to law enforcement. Information including emergency contact information, known routines and behaviors, calming techniques and an up-to-date photograph can be submitted to Take Me Home.

In addition, Take Me Home can serve as a tool to help Sheriff's Department personnel in responding to calls for service. If making contact with a registrant in the field, at a care facility, or at a residence, deputies can better understand how to approach an individual with communication challenges.

"We are always looking for opportunities to enhance our ability to keep all residents safe and this registry is one way to do that. Families that have loved ones who need assistance in communicating with law enforcement can help us in providing information to Take Me Home," said Sheriff Don Barnes. "If they are registered, families can know the Sheriff's Department has a tool to assist in communicating with their loved one and bringing them home safely."

Take Me Home was piloted in April in the cities of Laguna Niguel and Mission Viejo, with full implementation launching July 1. The Sheriff's Department modeled its registry after San Diego's Take Me Home and other similar programs utilized by law enforcement, including the Irvine Police Department's Return Home Registry.

For more information visit ocsd.org/takemehome.

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CONSENT CALENDAR SUMMARY

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: City Manager's Office

FOR: August 21, 2019 Regular Meeting

SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the August 21, 2019 Consent Calendar by single motion and City Council action.

Background

All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

Summary

The August 21, 2019 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the regular meeting on June 19, 2019 (Attachment A) and the adjourned regular meeting on June 26, 2019 (Attachment B).
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of July 2019.
- 6.3 Approval of the warrant register dated August 21, 2019 in the amount of \$589,074.88. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at or from City Hall.

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6.1
CITY COUNCIL MINUTES

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**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
June 19, 2019
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

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

II. ROLL CALL

COUNCILMEMBER: PRESENT: Horne, Moore, Rainey, Connors
 ABSENT: Hatch

STAFF PRESENT: City Manager Macon, City Attorney Cosgrove

III. PLEDGE OF ALLEGIANCE

Councilmember Moore led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Elder Abuse Awareness Month – June 2019

Lieutenant Inouye, Orange County Sheriff’s Department, made comments.

Stacey Lindberg, Orange County Adult Protective Services, made comments.

Councilmembers made comments.

Moved by Councilmember Rainey, seconded by Councilmember Moore, and carried unanimously on a 4-0 vote, with Mayor Pro Tem Hatch absent, to approve and present the proclamation for Elder Abuse Awareness Month.

4.2 Gun Violence Awareness Month – June 2019

Lieutenant Inouye made comments.

Councilmembers made comments.

Moved by Councilmember Moore, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote, with Mayor Pro Tem Hatch absent, to approve and present the proclamation for Gun Violence Awareness Month.

4.3 Immigrant Heritage Month – June 2019

Councilmembers made comments.

Moved by Councilmember Moore, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote, with Mayor Pro Tem Hatch absent, to approve and present the proclamation for Immigrant Heritage Month.

4.4 Pride Month – June 2019

Larry Delira, Laguna Woods Rainbow Club, made comments.

Councilmembers made comments.

Moved by Councilmember Moore, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote, with Mayor Pro Tem Hatch absent, to approve and present the proclamation for Pride Month.

Mayor Conners called for a brief recess.

The meeting was called back to order at 2:36 p.m.

V. PUBLIC COMMENTS

Janice Burston, resident, expressed concerns regarding homelessness in Orange County. She encouraged the City Council to attend a Homelessness 101 meeting in Mission Viejo.

Councilmembers briefly responded to Ms. Burston's comments.

Rachel Curry, Field Representative for Assemblymember Cottie Petrie-Norris, invited the City Council to an upcoming Car Seat Safety Checkup event on June 29, 2019 and an upcoming Appointments Workshop on July 18, 2019.

Councilmembers briefly responded to Ms. Curry's comments.

VI. CONSENT CALENDAR

Moved by Councilmember Moore, seconded by Councilmember Rainey, and carried unanimously on a 4-0 vote, with Mayor Pro Tem Hatch absent, to approve Consent Calendar items 6.1 – 6.13.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on May 15, 2019.

6.2 City Treasurer’s Report

Received and filed the City Treasurer’s Report for the month of May 2019.

6.3 Warrant Register

Approved the warrant register dated June 19, 2019 in the amount of \$779,025.34.

6.4 Budgeting, Reserves, and Reporting Policy

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AMENDMENTS TO ADMINISTRATIVE POLICY 2.9 PERTAINING TO BUDGETING, RESERVES, AND REPORTING

6.5 Employee Positions, Compensation, and Benefits

1. Approved an amended job classification for the following City employee position: Accounting Clerk.

AND

2. Repealed the job classification for the following City employee position: Deputy City Clerk.

AND

3. Approved a job classification for the following employee positions: City Clerk Series (Deputy City Clerk and City Clerk).

AND

4. Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 19-06 AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

6.6 Households Hazardous, Sharps, and Medicine Waste Handling Services

Approved an extension of the agreement with WM Curbside, LLC for household

hazardous, sharps, and medicine waste handling services and authorized the Mayor to execute the extension, subject to approval as to form by the City Attorney.

6.7 Street, Right-of-Way, and Infrastructure Maintenance Services

1. Waived the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding.

AND

2. Approved an extension of the agreement with PV Maintenance, Inc. for street, right-of-way, and infrastructure maintenance services and authorized the Mayor to execute the extension, subject to approval as to form by the City Attorney.

6.8 Water Quality Services

1. Waived the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding.

AND

2. Approved an amendment and extension of the agreement with Charles Abbott Associates, Inc. for water quality services and authorized the Mayor to execute the amendment and extension, subject to approval as to form by the City Attorney.

6.9 Traffic Signal, Street Light, and City Hall Lighting Maintenance Services

Approved an agreement with Siemens Mobility, Inc. for traffic signal, street light, and City Hall lighting maintenance services and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.10 Assembly Bill 2766/Mobile Source Air Pollution Reduction Review Committee Local Government Partnership Program

Approved a contract with the South Coast Air Quality Management District for the Assembly Bill 2766/Mobile Source Air Pollution Reduction Review Committee Local Government Partnership Program related to the installation of electric vehicle charging infrastructure at or in the vicinity of City Hall and authorized the Mayor to execute the contract, subject to approval as to form by the City Attorney.

6.11 Dog Park Relocation Project: Phase 1

Increased the City Manager's authorization to approve change orders for the construction of the "Dog Park Relocation Project: Phase 1" from an amount not to exceed \$22,422.31 to an amount not to exceed \$50,000.

6.12 Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project Phase 2 (El Toro Road and Moulton Parkway)

1. Approved final plans and specifications reflecting completion of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)”, as-built.

AND

2. Accepted the project completion of the contract agreement with Hardy & Harper, Inc. for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro and Moulton Parkway)”.

AND

3. Release contract retention in the amount of \$4,081 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention.

AND

4. Exonerate project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange.

6.13 Woods End Wilderness Preserve

Approved the first amendment to the lease with the County of Orange related to the City’s lease of Woods End Wilderness Preserve (real property) to the County of Orange and authorized the Mayor to execute the first amendment, subject to approval as to form by the City Attorney.

VI. PUBLIC HEARINGS – None

VIII. CITY COUNCIL BUSINESS

8.1 Fiscal Years 2019-21 Budget and Work Plan & Fiscal Years 2019-30 Capital Improvement Program Development

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

The City Council expressed consensus for staff to move forward with the preparing the budget as presented by the City Manager.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

Mayor Connors provided a report.

9.2 Orange County Fire Authority

Mayor Pro Tem Hatch was not present to provide a report.

Battalion Chief Hunter, Orange County Fire Authority, provided a report on the upcoming fire season.

Councilmembers briefly responded to Battalion Chief Hunter's comments.

9.3 Orange County Library Advisory Board

Councilmember Rainey and Councilmember Moore provided a report.

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report.

Councilmember Rainey briefly responded to Councilmember Horne's report.

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Connors provided a report.

Councilmember Rainey briefly responded to Mayor Connors' report.

9.6 South Orange County Watershed Management Area

Councilmember Moore provided a report.

9.7 Other Comments and Reports – None

X. CLOSED SESSION – None

XI. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

The meeting was adjourned at 3:14 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Wednesday, June 26, 2019, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, CMC, City Clerk

Approved: August 21, 2019

CYNTHIA CONNERS, Mayor

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**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
June 26, 2019
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

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

II. ROLL CALL

COUNCILMEMBER: PRESENT: Horne, Moore, Rainey, Hatch, Conners
 ABSENT: -

STAFF PRESENT: City Manager Macon, Assistant City Attorney Patterson, Deputy
 City Clerk Trippy

III. PLEDGE OF ALLEGIANCE

Councilmember Rainey led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS – None

V. PUBLIC COMMENTS – None

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Moore, and carried unanimously on a 5-0, to approve Consent Calendar Item 6.1.

6.1 Measure M2 (OC Go) Eligibility

Adopted a resolution entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA
WOODS, CALIFORNIA, CONCERNING THE STATUS AND UPDATE
OF THE CIRCULATION ELEMENT AND MITIGATION FEE
PROGRAM FOR THE MEASURE M (M2) (OC GO) PROGRAM**

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL BUSINESS

- 8.1 Fiscal Years 2019-21 Budget and Work Plan & Fiscal Years 2019-30 Capital Improvement Program.

City Manager Macon made a presentation.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to adopt resolutions entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE FISCAL YEARS 2019-21 BUDGET AND WORK PLAN FOR FISCAL YEAR 2019-20 COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020, AND FISCAL YEAR 2020-21 COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021

AND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A NEW 11-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2019-20 THROUGH 2029-30, IN CONFORMANCE WITH MEASURE M2 (OC GO) REQUIREMENTS AND APPLICABLE CITY POLICIES AND DISCRETION

AND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT (GANN LIMIT) FOR FISCAL YEAR 2019-20 COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020, IN ACCORDANCE WITH ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

Councilmembers thanked staff for their work on the budget and work plan.

- 8.2 Ad Hoc Audit Committee

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to appoint Councilmember Rainey and Councilmember Moore to an Ad Hoc Audit Committee beginning immediately through December 18, 2019 to work with the City's independent auditors on matters related to the Fiscal Year 2018-19 audit.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

No report was given.

9.2 Orange County Fire Authority

Councilmember Hatch and Division Chief Contreras, Orange County Fire Authority, provided a report and responded to related questions.

9.3 Orange County Library Advisory Board

Councilmember Rainey advised that the next Orange County Library Advisory Board meeting is scheduled for October 24, 2019.

Mayor Connors asked if the State of California's budget had been signed.

City Manager Macon responded that it had not.

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report.

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Connors stated that she was out of town for the most recent San Joaquin Hills Transportation Corridor Agency meeting. Councilmember Moore provided a report for the meeting she attended as the alternate for Mayor Connors.

9.6 South Orange County Watershed Management Area

Councilmember Moore noted that Bob Hill is retiring as General Manager of the El Toro Water District and asked that today's meeting be adjourned in honor of his service.

City Manager Macon responded to a question from Councilmember Moore regarding Mr. Hill's length of service to the El Toro Water District.

9.7 Other Comments and Reports

Councilmember Rainey commented on Mayor Connors' recent appearance on Laguna Woods Village Television.

Councilmember Horne reported on a kick-off meeting she attended for the Master Plan on Aging.

Councilmembers Moore and Rainey commented on a recent article describing the effects of over-the-counter medicine and correlations to Alzheimer's disease.

Councilmember Rainey reported on a meeting he attended related to homelessness and housing.

X. CLOSED SESSION

Prior to convening in closed session, an opportunity was provided for public comments on items appearing on the closed session agenda. No such public comments were received.

10.1 The City Council met in closed session under the authority of California Government Code Section 54957(b)(1) to consider the following: Public Employee Appointment – Acting City Manager, Acting City Attorney, and City Manager.

10.2 The City Council met in closed session under the authority of California Government Code Section 54957(b)(1) to consider the following: Public Employee Performance Evaluation – City Manager.

XI. CLOSED SESSION REPORT

The City Council reconvened in open session at 3:40 p.m. Assistant City Attorney Patterson stated that there was no reportable action under California Government Code Section 54957(b)(1).

XII. ADJOURNMENT

The meeting was adjourned in honor of Bob Hill’s service as General Manager of the El Toro Water District, at 3:40 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, July 17, 2019, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, CMC, City Clerk

Approved: August 21, 2019

CYNTHIA CONNERS, Mayor

6.2
CITY TREASURER'S REPORT

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City of Laguna Woods
City Treasurer's Report
 For the Month Ended July 31, 2019

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 6/30/19	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 7/31/19	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 1)	\$ 595,880	\$ 376,675	\$ (670,826)	\$ -	\$ 301,728	2.71%	
Cash Balances, Multi-Bank Securities (MBS) Account (Note 4)	\$ 6,745	\$ 6,061	\$ (6,745)	\$ -	\$ 6,061	0.05%	
Earned Interest in Transit and Accrued Interest, MBS Account (Note 4)	\$ 10,491	\$ (5,918)	\$ 6,061	\$ -	\$ 10,634	0.10%	
Petty Cash	\$ 2,107	\$ 386	\$ (460)	\$ -	\$ 2,033	0.02%	
Total Cash and Cash Equivalents	\$ 615,223	\$ 377,204	\$ (671,970)	\$ -	\$ 320,457	2.87%	100.00%
Pooled Money Investment Accounts							
Local Agency Investment Fund (LAIF) (Notes 2 and 3)	\$ 6,201,365	\$ 35,432	\$ -	\$ -	\$ 6,236,797	55.93%	
Orange County Investment Pool (OCIP) (Notes 2 and 3)	\$ 2,093,145	\$ 3,862	\$ (105)	\$ -	\$ 2,096,902	18.80%	
Total Pooled Money Investment Accounts	\$ 8,294,510	\$ 39,294	\$ (105)	\$ -	\$ 8,333,699	74.73%	90.00%
Investments - Interest and Income Bearing							
Certificates of Deposit (book value) (Note 2 and 4)	\$ 2,497,003	\$ -	\$ -	\$ 428	\$ 2,497,431	22.40%	
Total Investments - Interest and Income Bearing	\$ 2,497,003	\$ -	\$ -	\$ 428	\$ 2,497,431	22.40%	30.00%
TOTAL	\$ 11,406,736	\$ 416,499	\$ (672,076)	\$ 428	\$ 11,151,587	100.00%	

Summary of Total Cash, Cash Equivalents, and Investments:

	General Fund	Special Revenue Funds	Totals
Analyzed Checking Account	\$ (1,041,017)	\$ 1,342,746	\$ 301,728
Cash Balances, MBS Account	\$ 6,061	\$ -	\$ 6,061
Earned Interest in Transit and Accrued Interest, MBS Account	\$ 10,634	\$ -	\$ 10,634
Petty Cash	\$ 2,033	\$ -	\$ 2,033
LAIF	\$ 6,236,797	\$ -	\$ 6,236,797
OCIP	\$ 2,096,902	\$ -	\$ 2,096,902
Certificates of Deposit	\$ 2,497,431	\$ -	\$ 2,497,431
Totals	\$ 9,808,841	\$ 1,342,746	\$ 11,151,587

(See NOTES on Page 3 of 3)



City of Laguna Woods
City Treasurer's Report
 For the Month Ended July 31, 2019

ITEM 6.2

CASH AND INVESTMENTS

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 4)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
38148PTD9	2017-6	GOLDMAN SACHS BANK USA	36 months	11/16/17	11/22/17	245,000	245,113	245,000	2.050	Semi-Annual	05/22/18	Green*	2.050	11/23/20
61747ML58	2018-1	MORGAN STANLEY BK N A SALT LAKE	36 months	02/14/18	02/22/18	100,000	100,865	100,000	2.600	Semi-Annual	08/22/18	Green***	2.600	02/22/21
101120DW0	2018-2	BOSTON PRIVATE BANK & TR	21 months	03/09/18	03/23/18	245,000	245,309	245,000	2.300	Monthly	04/23/18	Green***	2.300	12/23/19
649447RJO	2018-3	NEW YORK COMMUNITY BANK	24 months	03/23/18	03/28/18	100,000	100,309	100,000	2.450	Semi-Annual	09/28/18	Green***	2.450	03/27/20
05580AMD3	2018-4	BMW BANK NORTH AMERICA	36 months	03/23/18	03/29/18	245,000	247,626	245,000	2.700	Semi-Annual	09/29/18	Green***	2.700	03/29/21
254673RS7	2018-5	DISCOVER BANK (#5649)	36 months	07/11/18	07/18/18	245,000	249,410	245,000	3.000	Semi-Annual	01/18/19	Green***	3.000	07/19/21
90348JEA4	2018-6	UBS BANK USA	48 months	10/01/18	10/05/18	245,000	253,110	245,000	3.250	Monthly	11/05/18	Green***	3.250	10/05/22
61760ARV3	2018-7	MORGAN STANLEY PRIVATE BK NATL	60 months	11/06/18	11/15/18	245,000	256,415	245,000	3.550	Semi-Annual	05/15/19	Green***	3.550	11/15/23
87164YQG2	2018-8	SYNCHRONY BANK RETAIL/MORGAN	60 months	05/19/17	05/19/17	100,000	100,777	97,431	2.470	Semi-Annual	11/19/17	Green***	2.400	05/19/22
02589AA28	2018-9	AMERICAN EXPRESS NATL	60 months	12/04/18	12/04/18	240,000	251,292	240,000	3.550	Semi-Annual	06/04/19	Green***	3.550	12/04/23
33715LCZ1	2018-10	FIRST TECHNOLOGY FED CU MTN VIEW	60 months	12/07/18	12/12/18	245,000	257,128	245,000	3.600	Monthly	01/12/19	Green***	3.600	12/12/23
949763ZA7	2019-1	WELLS FARGO BK N A	60 months	04/09/19	04/10/19	245,000	248,856	245,000	2.850	Monthly	05/10/19	Green*	2.850	04/10/24
Accrued Interest - Month End							10,634							
Total CDs						2,500,000	2,566,843	2,497,431						

(*) At the time of purchase and until September 2017, CDs were rated or ranked using an IDC Financial Publishing, Inc. (IDC) compiled ranking, and includes a one-number summary rank of quality comprised of 35 key financial ratios. Ranks range from 1 (the lowest) to 300 (the highest) and fall into one of the following six groups per Table 1. Post September 2017, CDs are ranked using the Veribanc Rating System, a two-part color code and star classification system which tests the present standing and future outlook by reviewing an institution's capital strength, asset quality, management ability, earnings sufficiency, liquidity, and sensitivity to market risk. Table 2 below summarizes the Veribanc color rankings. Veribanc star ratings of one to three, with three being best, are used to help review a possible future trend of an institutions health based on metrics from ten prior quarters. A rating of one, two, or three, are not necessarily an indicator of risk or an undesirable investment. The City reviews other rating systems and issuer financials before choosing any investment.

Table 1: CD Rankings (used prior to September 2017)

IDC Rank	Group Meaning
200-300	Superior
165-199	Excellent
125-164	Average
75-124	Below Average
2-74	Lowest Ratios
1	Highest Probability of Failure

Table 2: Veribanc Color Rankings (used post September 2017)

Veribanc Rank	Color Meaning
Green	Highest rating, exceeds qualifications in equity and income tests
Yellow	Merits attention, meets minimal qualifications in equity and income tests
Red	Merits close attention, does not meet minimal qualifications for equity and has incurred significant losses

Government Pooled Money Investment Accounts (Notes 2 and 3)

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	6,236,797	6,236,797	6,236,797	Pending	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	2,096,902	2,096,902	2,096,902	Pending	N/A	N/A	N/A	N/A	N/A
Total PMIA						8,333,699	8,333,699	8,333,699						

(See NOTES on Page 3 of 3)



City of Laguna Woods
City Treasurer's Report
 For the Month Ended July 31, 2019

CASH AND INVESTMENTS

	Beginning Balances As of 6/30/19	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 7/31/19
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (CERBT holds all assets and administers the OPEB Trust)	\$ 101,173	\$ -	\$ (7)	\$ 374	\$ 101,540
Total Other Funds - Held in Trust	<u>\$ 101,173</u>	<u>\$ -</u>	<u>\$ (7)</u>	<u>\$ 374</u>	<u>\$ 101,540</u>

Notes:

Note 1 - Analyzed Checking Account / Monthly activity reported does not reflect July 2019 vendor invoicing processed after the date of this report.

Note 2 - During July 2019, transaction activity in pooled money investment accounts, investment accounts and fiduciary trusts included:

- LAIF / The City made no deposits to or withdrawals from the LAIF account.
- OCIP / The City made no deposits to or withdrawals from the OCIP account.

Investments - Investments and Income Bearing / The City did not purchase investments and there were no maturities. In December 2018, Synchrony Bank Retail/Morgan investment was purchased at a discount. The discount is recognized over the life of the investment. The investment will be increased by amortizing semi-annually. The \$428.11 adjustment is the amortized amount which increased the book value of the investment in May 2019.

OPEB Trust / The City made no contributions to the OPEB Trust in July 2019. The Trust experienced a net gain of \$366.95 in July 2019.

Note 3 - Investment earnings on pooled money investment accounts deposited and reported July 2019 net of related fees were:


Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Gross Yield	Current Month / Quarter Earnings Will Post	Notes
LAIF	Quarterly	\$35,432	April 1, 2019 thru June 30, 2019	2.57%	October 2019	Total pool interest for July 2019 was 2.379% and the City's yield will be slightly lower based on allocation ratios and administrative fees to be deducted.
OCIP	Monthly	\$3,859	March 2019	See Notes	See Notes	The OCIP July 2019 statement had not been received at the time of this report, balance reported is as of June 30, 2019. Interest is posted three months in arrears and fees are posted monthly. Accrued interest pending payment at June 30, 2019 was \$15,004.00. June 2019 interest was 2.386% and fees were 0.059%.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest of \$6,061.22 and transferred out \$6,745.32 in cash balances to the City's checking account in July 2019. Cash balances to be invested or paid out are classified separately on page 1 of 3. The City's portfolio also has \$10,634.24 in accrued interest, not yet vested.

City Treasurer's Certification

I, Elizabeth Torres, Interim City Treasurer, do hereby certify:

- That all investment actions executed since the last report have been made in full compliance with the City's Investment of Financial Assets Policy; and
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months.


 Elizabeth Torres, Interim City Treasurer

8/15/19
 Date

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6.3
WARRANT REGISTER

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CITY OF LAGUNA WOODS
WARRANT REGISTER
8/21/2019

ITEM 6.3

This Report Covers the Period 7/09/2019 through 7/31/2019

Date	Vendor Name	Description	Amount
Debit	<i>Automatic Bank Debits</i>		
07/09/2019	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 06/07/2019	997.84
07/09/2019	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 06/07/2019	2,209.08
07/10/2019	ADP TAX	Payroll Taxes / Pay Period Ended 07/05/2019	7,309.93
07/10/2019	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 07/05/2019	16,049.62
07/11/2019	BUSINESS PLANS	Employee Benefit Program / July 2019	170.23
07/11/2019	CALPERS - HEALTH	Employee Benefit Program / July 2019	3,563.11
07/11/2019	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 07/05/2019	1,084.61
07/17/2019	BUSINESS PLANS	Employee Benefit Program / July 2019	0.05
07/19/2019	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 07/05/2019	179.85
07/23/2019	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 06/21/2019	997.84
07/23/2019	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 06/21/2019	2,209.08
07/24/2019	BUSINESS PLANS	Employee Benefit Program / July 2019	416.62
07/25/2019	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 07/19/2019	1,084.61
07/25/2019	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 07/19/2019	14,307.97
07/25/2019	ADP TAX	Payroll Taxes / Pay Period Ended 07/19/2019	6,614.26
07/25/2019	COUNTY OF ORANGE - SHERIFF	Law Enforcement Services / June 2019	186,979.13
Numbe	<i>Warrants:</i>		
3159	07/15/2019	360 BUSINESS CONSULTING	687.50
3160	07/15/2019	ACCOUNTEMPS	3,375.00
3161	07/15/2019	ALLIED MECHANICAL AIR SYS, INC	1,939.00
3162	07/15/2019	BALLIET, MICHAEL	1,806.25
3163	07/15/2019	CALIBER SIGNS & IMAGING INC	1,196.38
3164	07/15/2019	CIVIL SOURCE	11,670.00
3165	07/15/2019	COMPUTER SERVICE COMPANY	1,259.04
3166	07/15/2019	EL TORO WATER DISTRICT	2,460.21
3167	07/15/2019	IRWIN B BORNSTEIN, CPA	2,090.00
3168	07/15/2019	MARC DONOHUE	150.00
3169	07/15/2019	MICHAEL BAKER INTERNATIONAL	2,695.00
3170	07/15/2019	MUNICIPAL CODE CORP	1,379.63
3171	07/15/2019	NEW MILLENNIUM CONSTRUCTION SERVICES, INC.	1,759.02
3172	07/15/2019	OFFICE DEPOT	190.41
3173	07/15/2019	PV MAINTENANCE INC	2,244.00
3174	07/15/2019	RICOH USA, INC.	309.75
3175	07/15/2019	SOUTHERN CALIFORNIA EDISON	1,317.47
3176	07/15/2019	SOUTHERN CALIFORNIA EDISON	3,386.22
3177	07/15/2019	STAPLES	283.69
3178	07/15/2019	SUNSET PROPERTY SERVICES	2,832.00
3179	07/15/2019	TEAM ONE MANAGEMENT	776.37
3180	07/15/2019	THE GAS COMPANY	18.32
3181	07/15/2019	WM CURBSIDE, LLC	2,919.40
3182	07/15/2019	ALLIANT INSURANCE SERVICES	779.00
3183	07/15/2019	CALIFORNIA INTERNET LP	349.00

CITY OF LAGUNA WOODS
WARRANT REGISTER
8/21/2019

ITEM 6.3

This Report Covers the Period 7/09/2019 through 7/31/2019

Date	Vendor Name	Description	Amount	
3184	07/15/2019	COUNTY OF ORANGE	Orange County LAFCO Cost-Allocation / Fiscal Year 2019-20	2,135.43
3185	07/15/2019	DELTA DENTAL OF CALIFORNIA	Employee Benefits Program / July 2019	246.13
3186	07/15/2019	KATHRYN MCGILLE	Taxi Voucher Refund	178.80
3187	07/15/2019	KONE INC.	City Hall Elevator Maintenance / July 2019	277.57
3188	07/15/2019	OFFICE DEPOT	Office Supplies / July 2019	152.85
3189	07/22/2019	AT&T	Telephone / 583-1105 / June 2019	20.63
3190	07/22/2019	AT&T	Telephone / 581-9821 / June 2019	50.30
3191	07/22/2019	CAA	Water Quality Services/ June 2019	2,169.00
3192	07/22/2019	CALIBER SIGNS & IMAGING INC	Dog Park Relocation Project / June 2019	880.89
3193	07/22/2019	CALIFORNIA BLDG STANDARDS COMM	Building Permit Fee Assessment / January - March 2019	714.35
3194	07/22/2019	CALIFORNIA YELLOW CAB	Taxi Voucher Services / June 2019	4,914.00
3194	07/22/2019	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / June 2019	7,900.00
3195	07/22/2019	CITY OF LAGUNA BEACH	Animal Control & Shelter Services/ June 2019	9,100.00
3196	07/22/2019	CIVIL SOURCE	Building Inspection & Counter Services / June 2019	30,188.50
3197	07/22/2019	COUNTY OF ORANGE	800 MHz Communication Charges / April - June 2019	264.00
3198	07/22/2019	CSG CONSULTANTS INC	Building Plan Review Services / June 2019	5,227.50
3199	07/22/2019	HARDY & HARPER, INC	Dog Park Relocation Project / June 2019	570.00
3200	07/22/2019	HIGHLAND PRODUCTS GROUP, LLC	Dog Park Relocation Project / June 2019	2,031.00
3201	07/22/2019	MICHAEL BAKER INTERNATIONAL	General Plan Comprehensive Update Project / May 2019	4,677.30
3202	07/22/2019	OBR ARCHITECTURE, INC.	Architectural Services / April 2019	2,340.00
3203	07/22/2019	PRACTICAL DATA SOLUTIONS	IT Support Services / May - June 2019	4,438.20
3204	07/22/2019	RUTAN & TUCKER, LLP	Legal Services / April - May 2019	13,992.77
3205	07/22/2019	UNITED STATES FIRE INSURANCE COMPANY	Dog Park Relocation Project / June 2019	145,244.78
3206	07/22/2019	AT&T	White Pages/ July 2019	4.48
3207	07/22/2019	CITIES DIGITAL	Laserfiche Annual Support/ Fiscal Year 2019-20	660.00
3208	07/22/2019	FOREST PRINTING & COPYING INC	Printing Services	307.09
3209	07/22/2019	ICMA RETIREMENT CORPORATION	Quarterly Plan Fee / 1st Quarter Fiscal Year 2019-20	125.00
3210	07/22/2019	MUNICIPAL CODE CORP	Municipal Code Annual Support Fee / Fiscal Year 2019-20	350.00
3211	07/22/2019	OCTA	Annual OCTAP Contributions / Fiscal Year 2019-20	1,171.74
3212	07/22/2019	SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNME	Annual Dues / Fiscal Year 2019-20	1,823.00
3213	07/29/2019	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / May - June 2019	16,445.00
3214	07/29/2019	CALIFORNIA BLDG STANDARDS COMM	Building Permit Fee Assessment / April - June 2019	1,048.50
3215	07/29/2019	DEPARTMENT OF CONSERVATION	Strong Motion Instrumentation & Seismic Hazard Mapping Fee / April - June 2019	2,012.81
3216	07/29/2019	EPLACE SOLUTIONS, INC	Cyber Risk Survey / January - May 2019	6,300.00
3217	07/29/2019	RED HAWK FIRE & SECURITY, LLC	Annual Sprinkler Inspection	358.31
3218	07/29/2019	TYLER TECHNOLOGIES, INC.	Permitting Software	1,031.25
3219	07/29/2019	VAN DYKE LANDSCAPE ARCHITECTS	Landscape Architectural Services / January & June 2019	4,507.50
3220	07/29/2019	ACCOMTEMP	Temporary Accounting Clerk Services / Weeks Ending July 5 & 12, 2019	3,037.50
3221	07/29/2019	BUSINESS PLANS, INCORPORATED	125 Cafeteria Plan Administration / July 2019	100.00
3222	07/29/2019	NEW MILLENNIUM CONSTRUCTION SERVICES, INC.	City Hall Refurbishment & Safety Project Phase 1	19,426.30
3223	07/29/2019	TDI SIGNS, INC.	Dog Park Relocation Project	432.13

Total Bank Debits and Warrants: \$ 588,901.10

**CITY OF LAGUNA WOODS
WARRANT REGISTER
8/21/2019**

This Report Covers the Period 7/09/2019 through 7/31/2019

Date	Vendor Name	Description	Amount
<i>Petty Cash Expenditures Paid Out</i> (See Note 2)			
	FedEx Office	Maintenance Supplies	\$2.68
	Stater Bros	Dog Park Relocation Project	\$11.84
	Dollar Tree	Dog Park Relocation Project	\$8.57
	Home Depot	Locks for Dog Park	\$37.68
	Smart & Final	Dog Park Relocation Project	\$28.00
	Home Depot	Dog Park Relocation Project	\$18.88
	OC Clerk-Recorder	Document Recording Fee	\$50.00
	Rebecca Pennington	Mileage Reimbursement	\$16.13
		Total Petty Cash:	\$173.78
		TOTAL	\$ 589,074.88

NOTES:

Note 1 - City Councilmembers are eligible to receive either a salary or vehicle reimbursement allowance in the amount of \$300 per month (\$3,600 per year). Such compensation is included in the City's regular payroll (see "ADP Payroll Services" under "Automatic Bank Debits"), unless waived by the Councilmember. For the month of July 2019, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne, and Rainey.


Note 2 - Petty cash is reported as cash is paid out, not when the fund is replenished.

Note 3 - No credit card transactions were paid during this time period.

Administrative Services Director/City Treasurer's Certification

I, Elizabeth Torres, Interim Administrative Services Director / City Treasurer, do hereby certify:

- In accordance with California Government Code Section 37202, I hereby certify to the accuracy of the demands on cash summarized within;
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months; and
- That the City is in compliance with California Government Code Section 27108.



 Elizabeth Torres, Interim Administrative Services Director/City Treasurer

8/15/19

 Dated

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7.1

**CONDITIONAL USE PERMIT CUP-1362 TO
ALLOW FOR THE ESTABLISHMENT OF A PET
DAYCARE AND BOARDING FACILITY WITH
ACCESSORY RETAIL, GROOMING, BEHAVIOR
TRAINING, AND OUTDOOR EXERCISE AND
PLAY AREAS, AS WELL AS ALTERNATIVES TO
THE OFF-STREET PARKING PROVISIONS AND
EXCEPTIONS AND MODIFICATIONS TO THE
FENCE AND WALL HEIGHT PROVISIONS
CONTAINED IN THE LAGUNA WOODS
MUNICIPAL CODE, AT 24334 EL TORO ROAD,
LAGUNA WOODS, CA 92637**

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: City Manager's Office

FOR: August 21, 2019 Regular Meeting

SUBJECT: Conditional Use Permit CUP-1362 to allow for the establishment of a pet daycare and boarding facility with accessory retail, grooming, behavior training, and outdoor exercise and play areas, as well as alternatives to the off-street parking provisions and exceptions and modifications to the fence and wall height provisions contained in the Laguna Woods Municipal Code, at 24334 El Toro Road, Laguna Woods, CA 92637

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1362 TO ALLOW FOR THE ESTABLISHMENT OF A PET DAYCARE AND BOARDING FACILITY WITH ACCESSORY RETAIL, GROOMING, BEHAVIOR TRAINING, AND OUTDOOR EXERCISE AND PLAY AREAS, AS WELL AS ALTERNATIVES TO THE OFF-STREET PARKING PROVISIONS AND EXCEPTIONS AND MODIFICATIONS TO THE FENCE AND WALL HEIGHT PROVISIONS CONTAINED IN THE LAGUNA WOODS MUNICIPAL CODE, AT 24334 EL TORO ROAD, LAGUNA WOODS, CA 92637

Background

The City has received a conditional use permit application from JDGC LLC (“Applicant”) to allow for the establishment of a pet daycare and boarding facility with accessory retail, grooming, behavior training, and outdoor exercise and play areas, as well as alternatives to the off-street parking provisions and exceptions and modifications to the fence and wall height provisions contained in the Laguna Woods Municipal Code, at the address listed below. Bull Enterprises LLC is the property owner and has approved the application.

Project Location: 24334 El Toro Road, Laguna Woods, CA 92637

The project location most recently operated as an OfficeMax and is located within an existing shopping center presently anchored by Home Depot and Stater Bros (the “Home Depot Center” for the purpose of this agenda report).

Surrounding land uses are listed in Table 1.

A vicinity map is included as Attachment B.

Table 1: Surrounding Land Uses

General Location	General Plan Land Use Designation	Land Use
North	Commercial	Home Depot Center
South	City of Aliso Viejo	Aliso Viejo Country Club
East	Commercial	Home Depot Center
West	High Density Residential / Residential Community	The Regency / Laguna Woods Village residences

The project location is zoned as Community Commercial. Community Commercial designates areas to “provide for the development and preservation of high intensity commercial uses which serve the local community and regional area and are compatible with surrounding residential uses” (Laguna Woods Municipal Code Section 13.10.010).

The Laguna Woods Municipal Code requires conditional use permits for various reasons, including the following which apply to the subject application:

- When a proposed land use is not identified in the Laguna Woods Municipal Code, and the Community Development Director determines that such land use is permitted in a specified zoning district with a conditional use permit (Laguna Woods Municipal Code Section 13.02.060)
- When an alternative to the off-street parking provisions contained in the Laguna Woods Municipal Code is sought (Laguna Woods Municipal Code Section 13.18.080)
- When an exception or modification to the fence and wall height provisions contained in the Laguna Woods Municipal Code is sought [Laguna Woods Municipal Code Section 13.16.230(6)]

Discussion

At today’s meeting, the City Council will conduct a public hearing regarding the application for Conditional Use Permit CUP-1362 to allow for the establishment of a pet daycare and boarding facility with accessory retail, grooming, behavior training, and outdoor exercise and play areas, as well as alternatives to the off-street parking provisions and exceptions and modifications to the fence and wall height provisions contained in the Laguna Woods Municipal Code, at 24334 El Toro Road, Laguna Woods, CA 92637, after which approval will be considered (Attachment A).

If Conditional Use Permit CUP-1362 is approved, the use would be permitted to provide pet daycare and boarding for up to 200 dogs and 15 cats at any given time, as well as accessory activities related to retail, grooming, and behavior training. In addition to the existing 23,498 square foot building, the proposal includes a new 4,485 square foot outdoor exercise and play area that would replace an existing loading dock and parking area in the rear of the building. The outdoor exercise and play area would be enclosed by fences and walls and include artificial turf, shade structures, water features, and misting stations.

The Applicant is requesting that the City Council approve an alternative to the off-street parking provisions contained in the Laguna Woods Municipal Code, which would effectively modify the required number of parking spaces from 1 for every 200 square feet to approximately 1 for every 300 square feet (including the interior gross floor area and outside exercise and play area). After considering the manner in which the pet daycare and boarding facility is proposed to operate, the existing use of the Home Depot Center, and assuming that the conditions of approval (Exhibit A to Attachment A) are approved as proposed, staff believes that a requirement of 93 parking spaces would be sufficient. As the principal use would be daycare and boarding of animals – both of which imply that the majority of parking demand would be for short-term pick-up and drop-off, as well as staff – the proposed use is unlikely to require the 140 parking spaces that would otherwise be required. In the event of any future increase in building size or operational change inconsistent with the proposed conditions of approval, the City would retain the ability to prospectively modify off-street parking requirements.

The Applicant is also requesting that the City Council approve a modification to the fence and wall height provisions contained in the Laguna Woods Municipal Code, which would allow the fences and walls that are proposed to enclose the outdoor exercise and play area to reach a height of eight – as opposed to six – feet. After considering the location of the proposed eight-foot fences and walls (in the rear of the building), the existing use of the Home Depot Center, traffic patterns within the Home Depot Center, and assuming that the conditions of approval are approved as proposed, staff believes that the requested modification can be approved. Permitted materials would be masonry, vinyl, and similar materials as determined by the City Manager. Barbed wire, razor wire, and similar security treatments would be prohibited.

The proposed conditions of approval would regulate the use in a manner consistent with the purpose and intent of Laguna Woods Municipal Code Chapter 13.10.

The proposed conditional use permit would apply to the proposed initial use (Smart Parke Luxury Suites and Daycare), as well as eligible successors.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to sections 15301 and 15303 of Title 14 of the California Code of Regulations.

With respect to CEQA Section 15301, the project includes permitting and other approvals related to the establishment of a new pet boarding and daycare facility use with accessory retail, grooming, behavior training, and outdoor exercise and play areas, within an existing private structure and parking lot, involving negligible or no expansion of use beyond that existing at the time of the City's determination. Specifically, the project involves no physical addition to the existing private structure beyond the addition of a semi-enclosed outdoor exercise and play area in place of a portion of an existing parking lot, and, if approved, would result in interior and exterior alterations involving such things as interior partitions, plumbing, electrical conveyances, accessibility, and other common tenant improvements. All exterior signage would be required to comply with applicable provisions of the Laguna Woods Municipal Code.

With respect to CEQA Section 15301, the project includes alternative off-street parking provisions for the project related to an existing parking lot, as well as permitting and other approvals related to physical modification of the parking lot involving negligible or no expansion of use beyond that existing at the time of the City's determination. Specifically, the project involves no physical addition to the existing parking lot and, if approved, would result in only minor restriping and modification of the existing parking field. The approval of alternative off-street parking provisions is explicitly permitted by Laguna Woods Municipal Code Section 13.18.080.

With respect to CEQA Section 15303, the project includes exceptions and modifications to the fence and wall height provisions for the project, as well as permitting and other approvals related to the construction and location of fences and walls with heights taller than otherwise allowed by the Laguna Woods Municipal Code related to a single outdoor exercise and play area located in the rear of the project. The Laguna Woods Municipal Code allows fences and walls on the project's legal parcel. The approval of exceptions and modifications to fence and wall height provisions is explicitly permitted by Laguna Woods Municipal Code Section 13.16.230(6).

Fiscal Impact

The City's expenses associated with processing this project are recovered through planning services fees.

Report Prepared With: Rebecca M. Pennington, Development Programs Analyst

Attachments: A – Proposed Resolution
 Exhibit A – Proposed Conditions of Approval
 B – Vicinity Map

RESOLUTION NO. 19-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1362 TO ALLOW FOR THE ESTABLISHMENT OF A PET DAYCARE AND BOARDING FACILITY WITH ACCESSORY RETAIL, GROOMING, BEHAVIOR TRAINING, AND AN OUTDOOR EXERCISE AND PLAY AREAS, AS WELL AS A REQUEST FOR ALTERNATIVE PROVISIONS TO THE OFF-STREET PARKING REGULATIONS AND A MODIFICATION TO THE FENCE AND WALL HEIGHT PROVISIONS AT 24334 EL TORO ROAD, LAGUNA WOODS, CA 92637

WHEREAS, on August 21, 2019, the City Council of the City of Laguna Woods, after giving notice thereof as required by law, held a public hearing concerning Conditional Use Permit CUP-1362 to allow for the establishment of a pet daycare and boarding facility with accessory retail, grooming, behavior training, and an outdoor exercise and play areas, as well as a request for alternative provisions to the off-street parking regulations and a modification to the fence and wall height provisions at 24334 El Toro Road in the Community Commercial district; and

WHEREAS, the City Council has carefully considered all pertinent testimony, as well as all information contained in the agenda report prepared for this application, as presented at the public hearing; and

WHEREAS, staff has reviewed the environmental form submitted by the applicant in accordance with the City's procedures. Based upon the information received and staff's assessment of the information, the project has been determined to be categorically exempt pursuant to Section 15301 (Existing Facilities) and 15303 (New Construction and Conversion of Small Structures) of the California Environmental Quality Act (CEQA); and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution; and

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

1. The use or project proposed is consistent with the General Plan.

The proposed use is consistent with the Commercial land use designation of the General Plan. The proposed project involves no physical addition to the existing private structure beyond the addition of a semi-enclosed outdoor exercise and play area that would replace an existing loading dock and parking area in the rear of the building. As such, similar to the prior use, the proposed use would not exceed the maximum floor area ratio of 0.30. Objective I of the General Plan Land Use Element is to “promote land uses that accommodate the diverse needs of City of Laguna Woods residents,” and Policy I.B of the General Plan Land Use Element is to “actively participate with property owners and their representatives to expand the range of retail goods and services”. The proposed project would allow the establishment of a pet daycare and boarding use, which will provide services that meet the needs of dog and cat owners in Laguna Woods and neighboring communities.

2. The use, activity or improvement(s) proposed is consistent with the provisions of the Zoning Code.

The proposed use is consistent with the purpose and intent of the Community Commercial zoning district, which is to “provide for the development and preservation of high intensity commercial uses which serve the local community and regional area and are compatible with surrounding residential uses”. A pet daycare and boarding facility is not a listed use under the Zoning Code. Staff has determined that, pursuant to Zoning Code Section 13.02.060, the unlisted use: (a) is consistent with the General Plan (see Finding #1, above); (b) is consistent with the purpose and intent of the district in which it is to be located (i.e., the Community Commercial zoning district) for the reasons set forth in this Finding; (c) is similar to other uses that are permitted in that district (such as a hotel, which is permitted subject to approval of a conditional use permit); and (d) will not adversely affect the health, safety or welfare of residents or other persons in the vicinity of the use (see Finding #5, below). With the conditions of approval, the proposed use would be compatible with the uses found in the Community Commercial district, and will not adversely affect the health, safety or welfare of residents or other persons in its vicinity.

3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act (“CEQA”).

Based upon the information received from the applicant and staff's assessment of the same, the proposed project has been determined to be categorically exempt from CEQA pursuant to Sections 15301 (Class 1 – Existing Facilities) and 15303 (Class 3 – New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations.

The new pet daycare and boarding facility use will be located within an existing private structure, involving an expansion less than 10,000 square feet to accommodate a 4,485 square foot outdoor exercise and play area. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and is not located in an area that is environmentally sensitive. The project will result in interior and exterior alterations involving such things as interior partitions, plumbing, electrical conveyances, accessibility, and other common tenant improvements. All exterior signage would be required to comply with the sign regulations found in Chapter 13.20 of the Laguna Woods Municipal Code.

The alternative off-street parking provisions and other modifications to the parking lot involve negligible or no expansion of the existing use. There will be no additions to the existing parking lot; rather, the project will result in minor restriping and modification of the existing parking lot. The approval of alternative off-street parking provisions is explicitly permitted by Laguna Woods Municipal Code Section 13.18.080.

The exceptions and modifications to the height limits for the fences and walls surrounding the outdoor exercise and play area is explicitly permitted by Laguna Woods Municipal Code Section 13.16.230(6). The fences and walls surrounding the outdoor exercise and play area are exempt from CEQA review under Section 15303(e), which lists “[a]ccessory (appurtenant) structures,” including “fences” as an example of the kind of “new, small facilities or structures” that qualify for a Class 3 exemption.

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

The proposed use would be part of an existing commercial shopping center, presently known as the Home Depot Center, which houses compatible commercial uses, and existing access/internal circulation improvements that

appear to be sufficient to handle expected traffic generation. The project location is within an existing private structure and includes a proposal for a 4,485 square foot outdoor exercise and play area, which would contain artificial turf, large sail structures for shade, various water features, and misting stations. All exterior signage would be required to comply with the sign regulations found in Chapter 13.20 of the Laguna Woods Municipal Code. Surrounding properties to the north are commercial uses. To the south, is a recreational use within the City of Aliso Viejo. To the east, are additional commercial uses and to the west there is a mixture of high density residential and residential community uses. Conditions of approval are included to ensure that appropriate measures are taken to avoid conditions or situations that may be incompatible with other permitted uses in the vicinity.

5. The approval of the permit application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

The proposed project would be subject to conditions of approval which would regulate the pet daycare and boarding use activities in a manner consistent with the purpose and intent of Laguna Woods Municipal Code Chapter 13.10. The conditions of approval reserve the rights of the City to require additional security or safety measures, if warranted. Such conditions would assist in protecting the public from any potential risk or danger. For example, the operation will be kept within the existing structure other than the proposed outdoor exercise and play area. A condition of approval has been incorporated that would prohibit leashed or off-leash walking, exercise, or recreation of animals outside of the structure, with the exception of the proposed outdoor exercise and play area (which is enclosed).

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

The proposed project has been evaluated against all City regulations through the conditional use permit process and is deemed to be in compliance, subject to the conditions of approval. The proposed project does not require the addition or modification of any public facilities, nor heightened levels of service for any public services operating from public facilities.

7. Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property.

After considering the manner in which the pet daycare and boarding facility is proposed to operate, the existing use of the Home Depot Center, and assuming that the conditions of approval are approved as proposed, staff has determined 93 parking spaces would be sufficient. The principal uses would be daycare and boarding of animals. As such, the majority of parking demand would be for short-term pick-up and drop-off. Staff has reviewed a trip generation and parking study of similar facilities, which indicates the morning trip generation factor of such a use can be estimated at 0.8 trips per animal, and afternoon trip generation is 0.26 per animal. Moreover, the study indicates that due to the transitory nature of the parking demands for such use, one parking space per every 15 animals a facility has the capacity to board would serve anticipated need. At 93 available spaces, this facility would appear to have ample parking. Based on this, the proposed use is not anticipated to use the 140 parking spaces that would otherwise be required.

8. The proposed off-street parking facilities comply with the intent of the Zoning Code related to parking requirements.

The intent of the Zoning Code's parking requirements is to provide for the on-site, off-street parking of motor vehicles that are attracted by the use or uses on the premises and result in the installation of properly designed parking facilities of sufficient capacity to minimize traffic congestion, enhance public safety, generally provide for the parking of motor vehicles at locations other than on the streets, and for safe passage of pedestrians to and from parked vehicles. The request for an alternative to the off-street parking provisions contained in the Laguna Woods Municipal Code would modify the required number of parking spaces from 1 for every 200 square feet to approximately 1 for every 300 square feet. Due to the temporary nature of the parking related to the business (animal drop-offs and pickups), the reduced number of off-street parking spaces is expected to accommodate the proposed pet daycare and boarding facility in a manner that is safe and will not create traffic congestion.

9. The height and location of the fence or wall as proposed will not result in or create a traffic hazard.

The proposed eight-foot high fences and walls would enclose the outdoor exercise and play areas in the rear of the building. Proposed off-street parking would wrap around the rear of the building and as such create a separation from the proposed fences and walls to the vehicle path of travel of approximately 18 feet. Based on the traffic patterns within the Home Depot Center, staff believes that the requested modification can be approved and would not cause any hazard.

10. The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

The proposed outdoor exercise and play area in the rear of the building would be enclosed by fences and walls that would reach a maximum height of eight as opposed to six feet. Assuming that the conditions of approval are approved as proposed, staff believes the proposal to modify the fence and wall height provisions contained in the Laguna Woods Municipal Code could be achieved without creating conditions or situations that could be objectionable, detrimental or incompatible with other uses in the vicinity. Permitted fence and wall materials would be masonry, vinyl, and similar materials as determined by the City Manager. Barbed wire, razor wire, and similar security treatments would be prohibited.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that this project is categorically exempt from CEQA pursuant to Sections 15301 and 15303 of Title 14 of the California Code of Regulations for the reasons discussed in Finding #3 of the last recital above.

SECTION 3. The City Council hereby approves Conditional Use Permit CUP-1362, subject to the conditions of approval attached to this Resolution as Exhibit A, which are incorporated herein by this reference.

SECTION 4. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2019.

CYNTHIA CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 19-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2019, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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Exhibit A to Resolution No. 19-XX

Conditions of Approval for Conditional Use Permit CUP-1362

1. The proposed project shall be constructed, developed, used, operated, and permanently maintained in accordance with the terms of the application, plans, drawing, and conditions imposed herein.
2. The Applicant(s)/Owner(s) shall comply with all of the conditions of approval as part of Conditional Use Permit CUP-1362 (“conditional use permit”). Failure to comply with any one or more of the conditions imposed herein constitute grounds for revocation of said conditional use permit by the City Council.
3. The Applicant(s)/Owner(s) shall comply with all then-current requirements of the Laguna Woods Municipal Code and the California Building Standards Code, as well as federal, state, and local laws, rules, and regulations, as they pertain to the improvements and uses sought in this application, and such requirements are made a condition of the conditional use permit approval. These include, but are not limited to, all requirements related to building permits; engineering review, landscaping review, water quality review, and plan review, generally, of proposed construction plans; accessibility, including accessibility required by the federal Americans with Disabilities Act; best management practices and other actions or improvements required by applicable National Pollutant Discharge Elimination System permit(s); and, restrictions on parking, circulation, lighting, and noise.
4. This conditional use permit does not eliminate the need for building permits or include any action or finding as to compliance or approval of any other applicable federal, state or local ordinance, regulation, rule, or requirements.
5. This conditional use permit does not include any approval for signage or landscaping, nor does it represent or imply that any signage or landscaping proposed in connection with this application, or at any time in the future, will or will not be approved by the City.
6. This conditional use permit does not eliminate the need for animal facility-related permits required by the City of Laguna Beach Animal Services pursuant to the Laguna Woods Municipal Code including, but not limited to,

ITEM 7.1 – Exhibit A to Attachment A

additional conditions of approval as may be imposed by the City of Laguna Beach Animal Services in conjunction with the issuance of such permits.

7. This conditional use permit is for a pet daycare and boarding facility with accessory retail, grooming, behavior training, and an outdoor exercise and play area only. The principal use of the pet daycare and boarding facility shall be daycare and boarding of animals. The pet daycare and boarding facility shall not exceed 27,983 square feet, inclusive of gross floor area and outdoor exercise and play area. None of the following are permitted in connection with this conditional use permit: (1) sleeping quarters for employees or other persons, (2) the sale of animals, or (3) medical or surgical treatment of animals, regardless of whether such treatment is provided on an inpatient or outpatient basis, except that nothing in this condition shall be construed as preventing the transport of sick or injured pets from the pet daycare and boarding facility to receive medical or surgical treatment at an off-site location, as an incidental part of the providing permitted services.
8. None of the following are permitted as part of the operation of the pet daycare and boarding facility: (1) leashed or off-leash walking, exercise, or recreation of animals outside of the structure, with the exception of in the outdoor exercise and play area, or (2) the sale or provision of any dog leash exceeding six feet in length without providing the purchaser with a written notice at the time of purchase stating that the use of any leash in excess of six feet in length is prohibited within the City of Laguna Woods pursuant to the Laguna Woods Municipal Code.
9. Under this conditional use permit, the maximum occupancy for animals located on-site is 200 dogs and 15 cats. No more than 50 animals be permitted to use the outdoor exercise and play area at any given time. The City of Laguna Beach Animal Services may impose conditions of approval related to minimum care and shelter requirements for the same.
10. The Applicant(s)/Owner(s) are solely responsible for ensuring that noise does not, at any time, result in a violation of the Laguna Woods Municipal Code's noise standards nor create an actual or reasonably foreseeable nuisance for adjacent and surrounding properties and uses including, but not limited to, any violation or nuisance caused either entirely or in part by use of the outdoor exercise and play area. The Applicant(s)/Owner(s) shall take all steps

ITEM 7.1 – Exhibit A to Attachment A

necessary to prevent and immediately resolve such situations and, after a reasonable opportunity to resolve such situations, shall implement any direction received by City staff, which the Applicant(s)/Owner(s) understand and acknowledge may include, but not necessarily be limited to, any or all of the following:

- a) Participating in in-person or telephone conversations with persons reporting noise complaints;
- b) Modifying or reducing the manner, intensity, or hours of use of the outdoor exercise and play area;
- c) Installing additional sound attenuation; and/or
- d) Prohibiting the use of the outdoor exercise and play area by animals identified to be the source of repeated barking, growling, whining, or other noises resulting in complaints.

For the purpose of this condition, “reasonably foreseeable” shall include any determination made based upon the judgement and discretion of the City Council or City Manager.

11. The Applicant(s)/Owner(s) agree to establish and publicize on the website for the pet daycare and boarding facility, a telephone number to receive and respond to noise complaints. Such telephone number shall be answered at all times when the outdoor exercise and play area is in use and shall have the capacity to accept voicemail messages if call volumes prelude an immediate answer.
12. This conditional use permit allows exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, up to a maximum height of eight feet when viewed from either side, along all perimeter fences and walls enclosing the outdoor exercise and play area. Permitted materials for any portion of a fence or wall in excess of six feet in height are masonry, vinyl, or similar materials as determined by the City Manager. Barbed wire, razor wire, and similar security treatments on any fence or wall are prohibited.
13. All waste receptacles – as the number and type may change from time-to-time to meet on-site needs or comply with applicable law – shall be stored in trash enclosures enclosed by a roofed structure. Waste receptacles shall not be stored outside of a trash enclosure enclosed by a roofed structure.

ITEM 7.1 – Exhibit A to Attachment A

14. All animal waste deposited in waste receptacles for collection by the City's solid waste handling services franchisee shall be fully contained within a sealed bag or similar closeable container.
15. This conditional use permit allows for modified minimum off-street parking standards as follows: 93 parking spaces, including the number of accessible parking spaces required by applicable provisions of the California Building Standards Code and Laguna Woods Municipal Code, shall be provided for the pet daycare and boarding facility. Any prospective increase in building size or modification of the conditions of approval may result in modification of minimum off-street parking requirements.
16. Graffiti on the property shall be removed at the Applicant(s)/Owner(s)' expense within 24 hours.
17. In the event of repeated or disproportionately high numbers of calls for law enforcement or other public safety service, or based upon input from the surrounding businesses or residents, the City Manager may require, at his or her discretion, that the Applicant(s)/Owner(s) provide additional on-site security and/or safety measures at the property, as may be reasonably calculated to address situations or circumstances leading to or causing such increased calls for service, or complaints or comments from surrounding residents or businesses.
18. City staff, or their authorized representatives, shall have the right to access and enter the property to make reasonable Owner-authorized scheduled inspections, or unscheduled inspections in areas otherwise open to the public, to observe and enforce compliance with the criteria set forth herein.
19. In accordance with policies adopted by the City, the Applicant(s)/Owner(s) shall be responsible for any cost incurred as a result of local law enforcement, public safety, or code enforcement investigation/inspections that result in a finding of violation of any applicable laws and/or conditions of approval.
20. Any request to modify the conditions of approval contained herein shall require review and authorization by the City Manager. The City Manager may require the submission of such documentation or reporting, or the conduct of such studies or analysis, as he or she deems necessary to evaluate

ITEM 7.1 – Exhibit A to Attachment A

a request for modification. The City Manager may refer such decision to the City Council.

21. This approval may be modified or revoked by the City Council, after applicable notice and public hearing procedures have been satisfied, should it be determined, within the City's jurisdictional authority, that the conditions under which the project has been operated or maintained are detrimental to the public health, safety or welfare, or materially injurious to property or animals in the vicinity, within the City's jurisdictional authority; or if the project is operated or maintained so as to constitute a public nuisance, or if the project is operated or maintained in violation of any of the conditions of approval set forth herein, or for any other reason permitted by law.
22. Transfer: In the event of transfer of the property to which this conditional use permit pertains, the transferee shall, prior to exercising the rights granted hereunder, arrange and attend a conference with the City to review these conditions of approval, and document the manner in which activities will occur and the manner in which these conditions of approval will be met.
23. Termination: Upon approval, this conditional use permit shall become null and void (A) 180 days after such time the approved use at the approved location ceases to be operated as noted by lapse of City business license, lapse of California Department of Tax & Fee Administration permit, or date noted by City official with proper site verification of abandonment or discontinuance; or, (B) if the Applicant(s)/Owner(s) have not obtained building permits to construct the project within 180 days of approval, unless such period is extended by the City Manager upon a showing that the Applicant(s)/Owner(s) are actively engaged in the building permit application process; or, (C) upon the expiration of building permits, due to inactivity, obtained to construct this project. The City Manager may refer such decision to the City Council. This conditional use permit shall be deemed immediately terminated should the approved location be occupied by a use not in accord with this approval, subject to written notice to the Property Owner(s) with 10 days to cure.
24. The Applicant(s)/Owner(s), or successor in interest, shall as a condition of issuance of this approval, at its sole expense, defend, indemnify, and hold harmless the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers from any claim, action, or

ITEM 7.1 – Exhibit A to Attachment A

proceeding against the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers to attach, set aside, void or annul an approval of the City Council or other decision-making body, or staff action concerning this change plan approval, or its implementation. The Applicant(s)/Owner(s) shall pay all of the City's defense costs incurred by counsel of the City's choosing, and shall reimburse the City for any and all court costs and other parties' attorney fees that the City may be required by a court to pay as a result of such defense. The Applicant(s)/Owner(s) may in its sole discretion participate in the defense of any such action under this condition, with its own counsel.

25. Prior to any construction or installation pursuant to this approval, the Property Owner(s) shall sign and have notarized (acknowledgement) the "Owner(s) Agreement to Conditions of Approval for Conditional Use Permit CUP-1362" and return one wet-signed original to the City Manager with a copy of a recordable legal description of all affected properties in form acceptable to the City Manager.

[SIGNATURES ON NEXT PAGE]

ITEM 7.1 – Exhibit A to Attachment A

**OWNER(S) AGREEMENT TO CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT CUP-1362 (“AGREEMENT”)**

1. **AGREEMENT TO CONDITIONS OF APPROVAL.** The person or persons executing this AGREEMENT on behalf of the respective Owner(s) has reviewed all Conditions of Approval for Conditional Use Permit CUP-1362, has had the opportunity to consult with legal counsel regarding them as the Owner(s) has deemed appropriate, and understands and agrees, without exception, to each and all of the conditions.
2. **RECORDATION.** The person or persons executing this AGREEMENT on behalf of the respective Owner(s) consents to the recordation of the Conditions of Approval for Conditional Use Permit CUP-1362, including this AGREEMENT, in the office of the Clerk-Recorder for the County of Orange, at the Owner(s)' cost.
3. **AUTHORITY TO EXECUTE.** The person or persons executing this AGREEMENT on behalf of the respective Owner(s) represents and warrants that he/she/they has/have the authority to so execute this AGREEMENT and to bind the respective Owner(s) to the performance of its obligations hereunder.
4. **BINDING EFFECT.** This AGREEMENT shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.
5. **SEVERABILITY.** If any term, condition or covenant of this AGREEMENT is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this AGREEMENT shall not be affected thereby and the AGREEMENT shall be read and construed without the invalid, void or unenforceable provision(s).

Property Owner – Bull Enterprises LLC

Signature: _____ Date: _____

Full Name: _____ Title: _____

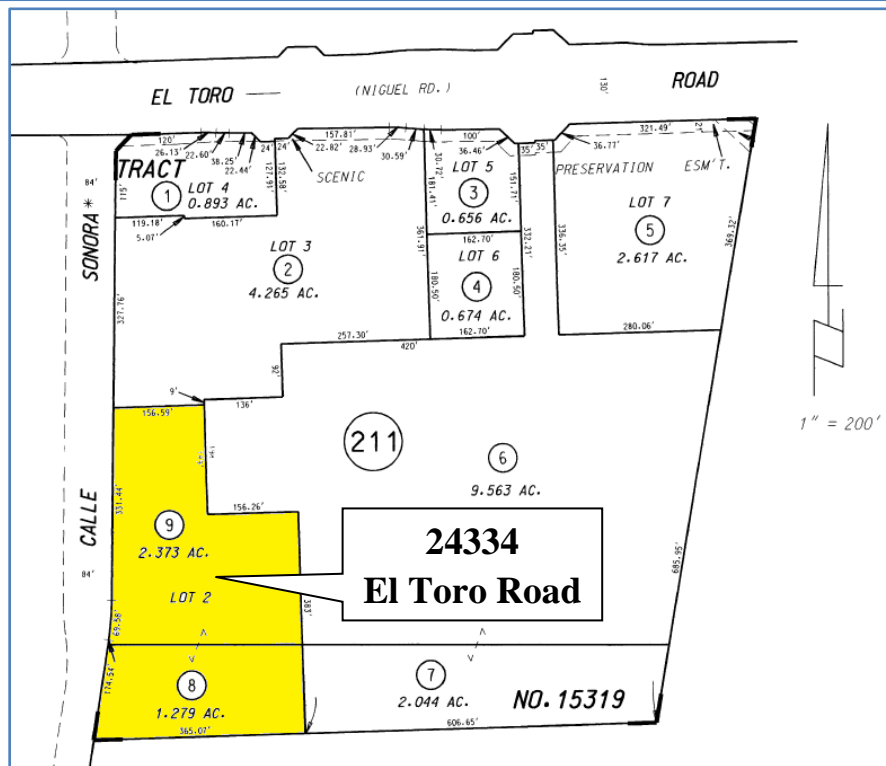
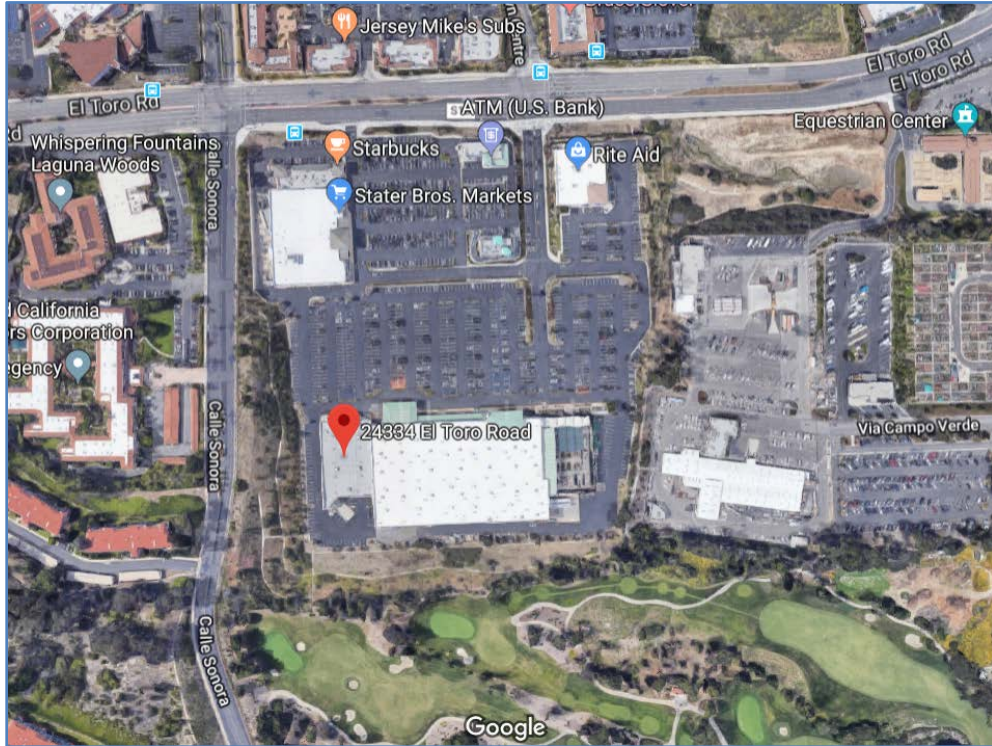
SIGNATURE MUST BE NOTARIZED; ATTACH ACKNOWLEDGEMENT.

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Vicinity Map

24334 El Toro Road, Laguna Woods, CA 92637

Project Area



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7.2
NOTARY PUBLIC FEES

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: City Manager's Office
FOR: August 21, 2019 Regular Meeting
SUBJECT: Notary Public Fees

Recommendation

1. Receive staff report.

AND

2. Open the public hearing that was continued from the regular City Council meeting on July 17, 2019.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEW AND INCREASED OR MODIFIED NOTARY PUBLIC FEES

Background

City staff provide notary public services to Laguna Woods residents and associated signers. At present, services are provided free of charge to residents and at amounts prescribed by California Government Code Section 8211 for non-residents. As a result, staff time, staff education as required by California Government Code, supplies, and related overhead costs are not fully recovered through fees.

Discussion

At today's meeting, the City Council will conduct a public hearing regarding the proposed Notary Public Fee Schedule (Attachment A), after which adoption will be considered. Staff recommends an effective date of August 29, 2019.

The proposed fee schedule would establish new fees for notary public services for residents related to the following types of documents:

- Oil, Gas, and/or Mineral Leases -- *\$15 per signature taken/each*
- Real Estate Transactions (e.g., mortgages, deeds of trust, subordination agreements, signature affidavits, affidavits of owner occupancy, and other conveyance or escrow documents) -- *\$15 per signature taken/each*

All other notary public services (e.g., powers of attorney; trusts, with the exception of deeds of trust; and, applications or claims for pensions, allotments, allowances, compensation, insurance, or any other veteran's benefit) would continue to be offered to residents at no charge. In no case would notary public fees exceed the maximum amounts prescribed by California Government Code Section 8211.

The City presently charges non-residents the maximum amounts prescribed by California Government Code Section 8211 for all notary public services, regardless of document type. The proposed fee schedule would continue that practice.

Environmental Review

This action is not subject to the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) ("CEQA") pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations,

Title 14, Chapter 3. CEQA Guideline section 15378(b)(4) excludes “government funding mechanisms or other government fiscal activities” from its definition of “project” when they “do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment,” as is the case here. Even if this action were subject to CEQA, it would be categorically exempt under CEQA Guideline section 15273, which applies to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City, when such charges are intended to (1) meet operating expenses, (2) provide for the purchase of supplies and materials, and (3) meet financial reserve needs and requirements – as is the case with the notary public fees. Finally, this action is exempt from CEQA based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Fiscal Impact

The proposed Notary Public Fee Schedule would modify cost recovery for certain notary public fees. In accordance with state law, revenue from fees – which, based on recent notary public activity, is anticipated to be \$1,500 or less per year – would partially offset only the City’s reasonable costs of providing services.

Funds to support this project are included in the City’s budget.

Attachment: A – Proposed Resolution
Exhibit A – Proposed Notary Public Fee Schedule

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RESOLUTION NO. 19-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEW AND INCREASED OR MODIFIED NOTARY PUBLIC FEES

WHEREAS, pursuant to applicable California law, cities may charge rates or fees that are equal to or less than the reasonably anticipated costs of providing a service, conferring a benefit, granting a privilege, performing regulatory duties, enforcing laws, or as a condition of property development; and

WHEREAS, the City’s costs to offer notary public services include staff time, staff education as required by California Government Code, supplies, and related overhead, which are not fully recovered through fees; and

WHEREAS, the City Council conducted a duly noticed public hearing at its regular meeting on August 21, 2019 regarding the proposed adoption of new notary public fees; and

WHEREAS, public noticing for the aforementioned public hearing included publication in the *Laguna Woods Globe* and posting at the City Hall counter where notary public services are provided; and

WHEREAS, the fees that are included on the Notary Public Fee Schedule attached hereto as Exhibit A were made available to the public at and from Laguna Woods City Hall (including posting at the City Hall counter where notary public services are provided), beginning on July 30, 2019; and

WHEREAS, after consideration of the information provided by City staff, the City’s costs to provide notary public services, and all public comments and testimony received, the City Council finds that it is in the best interest of the City to adopt new fees for notary public services.

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

SECTION 1. The Notary Public Fee Schedule attached hereto as Exhibit A is hereby adopted to be effective beginning on August 29, 2019. In adopting such

fees, the City Council finds that the amounts of the fees do not exceed the reasonable costs of providing the services for which the fees are charged.

SECTION 2. Upon the effective date of the Notary Public Fee Schedule attached hereto as Exhibit A, all previous notary public fees adopted by resolution of the City Council shall be repealed.

SECTION 3. After reviewing the entire project record, the City Council hereby determines and certifies that this action is not subject to the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) (“CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guideline section 15378(b)(4) excludes “government funding mechanisms or other government fiscal activities” from its definition of “project” when they “do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment,” as is the case here. Even if this action were subject to CEQA, it would be categorically exempt under CEQA Guideline section 15273, which applies to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City, when such charges are intended to (1) meet operating expenses, (2) provide for the purchase of supplies and materials, and (3) meet financial reserve needs and requirements – as is the case with the notary public fees. Finally, this action is exempt from CEQA based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2019.

CYNTHIA CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 19-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2019, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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**CITY OF LAGUNA WOODS
NOTARY PUBLIC SERVICES**

Fee Schedule

Effective beginning on August 29, 2019

Notary Public Services – Laguna Woods Residents	
DESCRIPTION	FEE
For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, when related to any of the following: <ul style="list-style-type: none"> • <u>Oil, Gas, and/or Mineral Leases</u> • <u>Real Estate Transactions</u> (e.g., mortgages, deeds of trust, subordination agreements, signature affidavits, affidavits of owner occupancy, and other conveyance or escrow documents) 	\$15 per signature taken*
For administering an oath or affirmation to one person and executing the jurat, including the seal, when related to any of the following: <ul style="list-style-type: none"> • <u>Oil, Gas, and/or Mineral Leases</u> • <u>Real Estate Transactions</u> (e.g., mortgages, deeds of trust, subordination agreements, signature affidavits, affidavits of owner occupancy, and other conveyance or escrow documents) 	\$15 each*
For certifying a copy of a power of attorney under Section 4307 of the Probate Code	\$0*
All Other Notary Public Services	\$0*

Notary Public Services – Non-Laguna Woods Residents	
DESCRIPTION	FEE
For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate	\$15 per signature taken*

CONTINUED ON NEXT PAGE

ITEM 7.2 – Exhibit A to Attachment A

Notary Public Services – Non-Laguna Woods Residents (CONTINUED)	
DESCRIPTION	FEE
For administering an oath or affirmation to one person and executing the jurat, including the seal	\$15 each*
For certifying a copy of a power of attorney under Section 4307 of the Probate Code	\$15 each*

* Fees shall not exceed the maximum amounts prescribed by California Government Code Section 8211. No fee shall be charged to notarize signatures on vote by mail ballot identification envelopes or other voting materials. No fee shall be charged to a United States military veteran for notarization of an application or a claim for a pension, allotment, allowance, compensation, insurance, or any other veteran’s benefit.

7.3

**ASSEMBLY BILL 2766 MOBILE VEHICLE
SUBVENTION PROGRAM**

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: City Manager's Office
FOR: August 21, 2019 Regular Meeting
SUBJECT: Assembly Bill 2766 Mobile Vehicle Subvention Program

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. Approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 3.16 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE ASSEMBLY BILL 2766 MOBILE VEHICLE SUBVENTION PROGRAM,

IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY
CODE SECTION 44243(B)

Background

California Health and Safety Code Section 44243(b) requires the adoption of an ordinance complying with the provisions set forth therein as a condition for receipt of funds from the Assembly Bill 2766 Mobile Vehicle Subvention Program. Funds are received annually and can be used for eligible programs and projects to reduce air pollution from motor vehicles.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the proposed addition of Chapter 3.16 to the Laguna Woods Municipal Code (Attachment B) related to the Assembly Bill 2766 Mobile Vehicle Subvention Program. Staff recommends that the City Council initiate the adoption process for the proposed ordinance, in order to confirm the City's support for and compliance with the provisions of California Health and Safety Code Section 44243(b).

If the City Council takes the recommended action at today's meeting, the proposed ordinance would be agendized for a second reading and consideration of adoption at an upcoming meeting. The ordinance would take effect 30 days after adoption.

Environmental Review

The proposed amendments to the Laguna Woods Municipal Code are exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to sections 15378(b)(4) and 15061(b)(3) of Title 14 of the California Code of Regulations, in that they are consistent with California law, specifically California Health and Safety Code Section 44243(b). It can be seen with certainty that this project has no possibility of having a significant effect on the environment.

Fiscal Impact

Funds to support this project are included in the City's budget.

Attachment: A – Proposed Ordinance

ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 3.16 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE ASSEMBLY BILL 2766 MOBILE VEHICLE SUBVENTION PROGRAM, IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 44243(B)

WHEREAS, staff has recommended the addition of Chapter 3.16 to the Laguna Woods Municipal Code (“Code Amendments”) in order to confirm the City’s support for and compliance with the provisions of California Health and Safety Code Section 44243(b).; and

WHEREAS, on August 21, 2019, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

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

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that the Code Amendments are exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to sections 15378(b)(4) and 15061(b)(3) of Title 14 of the California Code of Regulations, in that they are consistent with California law, specifically California Health and Safety Code Section 44243(b). It can be seen with certainty that this project has no possibility of having a significant effect on the environment.

SECTION 3. Chapter 3.16 is hereby added to the Laguna Woods Municipal Code to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. 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.

SECTION 7. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2019.

CYNTHIA CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 19-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2019, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2019 by the following vote to wit:

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

YOLIE TRIPPY, CMC, City Clerk

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**EXHIBIT A
CODE AMENDMENTS**

Chapter 3.16 (“Mobile Vehicle Subvention Program”) is added to Title 3 (“Revenue and Finance”) of the Laguna Woods Municipal Code, to read as follows:

CHAPTER 3.16. - MOBILE VEHICLE SUBVENTION PROGRAM

Sec. 3.16.010. - Findings.

The City Council of the City of Laguna Woods hereby finds and declares that:

- (a) The City is committed to improving public health, safety and welfare, including air quality.
- (b) Mobile sources are a major contributor to air pollution in the South Coast Air Basin.
- (c) The State of California’s air quality goals for the South Coast Air Basin cannot be met without reducing air pollution from mobile sources.
- (d) The South Coast Air Quality Management Plan calls upon cities and counties to reduce emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988) by developing and implementing mobile source air pollution reduction programs.
- (e) Mobile source air pollution reduction programs place demands upon the City’s funds; those programs should be financed by shifting financial responsibilities from the General Fund to the motor vehicles creating the demand, to the greatest extent feasible.
- (f) The City supports the adoption of motor vehicle registration fees to be used to reduce air pollution from motor vehicles pursuant to the Clean Air Act Amendments of 1990, the California Clean Air Act of 1988, or the plan prepared pursuant to Article 5 (commencing

with Section 40460) of Chapter 5.5 of Part 3 of Division 26 of the California Health and Safety Code.

(g) California Health and Safety Code Section 44223 (California Assembly Bill 2766, 1990) has authorized the South Coast Air Quality Management District to impose an additional motor vehicle registration fee commencing April 1, 1991, and continuing to the present, to finance the reduction of air pollution from motor vehicles pursuant to, and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of, the California Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988), or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles.

(h) Forty cents (\$0.40) of every dollar collected under California Health and Safety Code Section 44223 is available for distribution to cities and counties located in the South Coast Air Quality Management District, based upon their prorated share of population, to be used to implement programs to reduce air pollution from motor vehicles which are authorized by, or necessary to implement, the Clean Air Act Amendments of 1990, the California Clean Air Act of 1988, or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of Division 26 of the California Health and Safety Code.

(i) The City is located within the South Coast Air Quality Management District and is eligible to receive a portion of the revenues from the additional motor vehicle registration fee.

(j) The imposition of the additional motor vehicle registration fee by the South Coast Air Quality Management District is in the best interest of the City and promotes public health, safety and welfare.

Sec. 3.16.020. - Purpose and intent.

The purpose and intent of this chapter is to support the South Coast Air Quality Management District's imposition of its vehicle registration fee and to support the City's compliance with the requirements set forth in California Health and Safety Code Section 44243 to receive fee revenues for

the purpose of implementing programs to reduce air pollution from motor vehicles.

Sec. 3.16.030. - Definitions.

For the purpose of this chapter, the following definitions shall apply:

(05) *Fee administrator* shall mean the City Treasurer.

(10) *Mobile source air pollution reduction programs* shall mean any program or project implemented by the City to reduce air pollution from motor vehicles, which it determines will be consistent with the Clean Air Act Amendments of 1990, the California Clean Air Act of 1988, or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of Division 26 of the California Health and Safety Code.

(15) *Mobile vehicle subvention program revenue* shall mean the revenue that is distributed to the City as a result of the additional motor vehicle registration fee imposed by the South Coast Air Quality Management District pursuant to California Health and Safety Code Section 44223.

Sec. 3.16.040. - Fee administration.

(a) *Receipt of Fee.* Mobile vehicle subvention program revenue shall be accepted by the fee administrator.

(b) *Establishment of Air Quality Improvement Trust Fund.* The fee administrator shall establish a separate interest-bearing fund account into which all mobile vehicle subvention program revenue shall be deposited, and out of which expenditures shall be made for mobile source air pollution reduction programs.

(c) *Transfer of Funds and Interest.* Upon receipt of mobile vehicle subvention program revenue, the fee administrator shall deposit such revenue into the separate fund account established pursuant to subsection (b) of this section. All interest earned by the separate fund account shall be credited only to that fund account.

ITEM 7.3 – Exhibit A to Attachment A

(d) *Expenditure of Revenues.* All mobile vehicle subvention program revenue shall be exclusively expended by the City on mobile source air pollution reduction programs. Such revenue and any interest earned by the separate fund account shall be expended within one year of the completion of the mobile source air pollution reduction programs.

(e) *Audits.* The City consents to audits of all programs and projects funded by mobile vehicle subvention program revenue, in accordance with California Health and Safety Code sections 44223, 44244, and 44244.1(a).

8.1

**2018-2019 ORANGE COUNTY GRAND JURY
REPORT, "ORANGE COUNTY'S URBAN
FOREST"**

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: City Manager's Office

FOR: August 21, 2019 Regular Meeting

SUBJECT: 2018-2019 Orange County Grand Jury Report, "Orange County's Urban Forest"

Recommendation

Approve a response to the 2018-2019 Orange County Grand Jury Report, "Orange County's Urban Forest," authorize the Mayor to execute the response, and direct the City Manager to submit the response as required by applicable law.

Background

On June 20, 2019, the Orange County Grand Jury publicly released a report titled "Orange County's Urban Forest" (Attachment A). The report requires the Orange County Board of Supervisors and the cities of La Palma, Laguna Beach, Laguna Niguel, Laguna Woods, Mission Viejo, Santa Ana, Stanton, Westminster, and Yorba Linda to respond to certain findings and recommendations, in accordance with California Penal Code Section 933. The City is required to respond to eight findings and three recommendations no later than September 18, 2019, unless an extension is obtained pursuant to California Penal Code Section 933.05(b)(3).

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on a response to the 2018-2019 Orange County Grand Jury Report, "Orange County's Urban Forest." Staff recommends that the City Council approve the proposed response (Attachment A), authorize the Mayor to execute the proposed

response, and direct the City Manager to submit the proposed response as required by applicable law.

Fiscal Impact

Funds to support this project are included in the City's budget.

Attachments: A – 2018-2019 Orange County Grand Jury Report, “Orange County’s Urban Forest”
B – Proposed Response to 2018-2019 Orange County Grand Jury Report, “Orange County’s Urban Forest”

Orange County's Urban Forest



Table of Contents

SUMMARY 3

REASON FOR THE STUDY 3

METHOD OF STUDY 4

BACKGROUND AND FACTS 6

 Environment.....6

 Health.....6

 Economics.....6

 Orange County.....7

 Management.....8

FINDINGS.....9

RECOMMENDATIONS..... 10

COMMENDATION 11

RESPONSES 11

REFERENCES.....13

APPENDIX.....15

SUMMARY

There is an old saying, “You can’t see the forest for the trees”. In some cities in Orange County, it could be said that you can’t see a forest for the lack of trees. Residents of Orange County live in an area where summer temperatures can rise above 100 degrees Fahrenheit. Large parking lots and blocks of concrete buildings create heat islands that keep releasing heat after sundown so night time temperatures are elevated. However, a canopy of well-maintained trees provides shade during the day, captures carbon dioxide, filters out dust and serves as a habitat for wildlife. Therefore, proper tree selection, care and management is critical for publicly owned and managed trees.

What is an urban forest and why is a healthy one important to the residents of a community? An urban forest is a collection of trees that grow within a community. The importance of a city’s urban forest has many dimensions: environmental impacts, economic issues and improvements to the neighborhoods. Often treated as mere enhancements to a community, trees need to be recognized as necessities and assets.

The public works departments are responsible for planting and maintaining city trees, but often tree services are among the first to suffer from budget reductions. Sometimes, due to budget constraints, a city may opt to cut back on its urban forestry program, adding to the misconception that trees are less important than other improvements.

The Orange County Grand Jury gathered information on the urban forestry programs of the County of Orange (for unincorporated areas) and all responding Orange County cities. Based on this information, the Orange County Grand Jury found significant differences in the urban forest programs of Orange County cities and selected the County of Orange and certain Orange County cities for further investigation. As a result of that investigation, the Orange County Grand Jury offers its Findings and makes the following major Recommendations:

- Each city should continue regularly scheduled tree inspections and maintenance cycles.
- Some Orange County cities identified in this report should implement an aggressive urban forest program.

REASON FOR THE STUDY

The Orange County Grand Jury (Grand Jury) observed that there was a great disparity between Orange County cities’ urban forests and wanted to study the reasons behind the disparity. Why is it that some cities in Orange County have a healthy and vibrant urban forest while others do not? Are there best practices in creating and maintaining a healthy urban forest and, if so, why aren’t these practices followed by every city?

The Grand Jury read a December 2018 report titled “First Step: Developing an Urban Forest Management Plan for the City of Los Angeles”¹ (First Step). The First Step report was prepared by an environmental consultant at the direction of a non-profit organization that works with cities and volunteer groups to improve the urban forest in Los Angeles. The introduction stated that the City of Los Angeles had not undertaken a comprehensive assessment of its urban forest for 25 years. The First Step report also found that Los Angeles did not have a sufficient budget, an inventory of urban trees, or technological infrastructure to direct its staff toward developing a sustainable urban forest.

The Grand Jury wondered whether the City of Los Angeles' history and the state of its urban forest could be relevant to Orange County. What could be learned from the First Step report that would be applicable to the cities of Orange County? Did Orange County cities have the same types of shortages in budgets, lack of governmental interest and tree inventories that the First Step uncovered? Could the Grand Jury suggest changes to the 34 cities in Orange County that would make our urban forest healthier and more beneficial to its residents?

Using the First Step report as a guide, the Grand Jury compiled a list of questions for staff members from each Orange County city and the unincorporated areas managed by the County of Orange. These included queries concerning:

- Allocated tree budget as a percentage of total city budget
- Total number of trees and their value in each city
- The use of private contractors to assist cities in managing their urban forest
- Cities' liability claims due to tree-related issues

METHOD OF STUDY

The urban forest consists of multiple categories of trees which include:

- Street Trees - Publicly owned and maintained trees (City or County) generally located along major and secondary arterials.
- Park Trees - Publically maintained (City, County or State) trees located in public parks and forest areas.
- Home Owners Association (HOA) Trees - Trees owned and maintained by a private HOA for the benefit of its common owners.
- Private Trees - Trees owned and maintained by private individuals.

¹ DUDEK. “First Step: Developing an Urban Forest Management Plan for the City of Los Angeles.” *City Plants*. December 2018

The Grand Jury elected to focus its research on street trees in accordance with the Grand Jury's role of investigating the efficiency of the operations of Orange County and its cities.

In order to gather facts and establish best practices, the Grand Jury conducted extensive internet research and reviewed professional literature pertaining to urban forestry practices and the contribution of city trees to the urban environment. In addition, the Grand Jury visited and consulted staff at a teaching arboretum at a local university and interviewed several Orange County arborists and tree experts to gather further information.

The Grand Jury used a variety of methods to gather information from the cities and County, including:

1. Mailed an initial request for statistical data to all Orange County cities and the County of Orange to ascertain their basic tree programs, budgets and contracting data.
2. Mailed a second request for statistical data to 15 selected cities for follow-up information.
3. Mailed a request for liability claim information to eight selected cities.
4. Conducted interviews with staff from nine selected cities and the County of Orange to expand and clarify the information obtained in steps 1-3 above.

Thirty-three cities responded to all requests for information. The City of Costa Mesa failed to respond to any requests.

The results were categorized into three groups based on the percentage of the city budget allocated to tree programs. The total city budget was obtained from publically available information. This information was used to evaluate whether a relationship existed between expenditure and liability claims.

To compare Orange County street tree programs, the Grand Jury developed a method to compare street tree programs among cities. The method of calculation was to divide the number of city owned street trees by its population and multiply by 100. The resulting number corresponds to the city's street trees per 100 residents. The number was used to rank the cities as High, Medium and Low, based on natural groupings (Appendix B).

The Grand Jury selected nine cities² and interviewed city officials from those cities as well as the County of Orange as the focus of this report. In addition, the Grand Jury has provided statistical

² City of Aliso Viejo was not included in the cities that formed the focus of this investigation as time restrictions prevented an interview with city staff.

information regarding trees and tree budgeting in other local cities in order to provide insight and context about tree planting and maintenance efforts of the investigated cities' surrounding communities (Appendix A).

BACKGROUND AND FACTS

Environment

In recent years, there has been increased recognition that trees are not only ornamental but also serve many important functions in a community. For example, trees naturally reduce air pollution by capturing carbon dioxide and releasing oxygen. In 2015, the United States Department of Agriculture (USDA) "The State of California's Street Trees" reported that 7.78 million metric tonnes of carbon dioxide emissions were stored in California's street trees and that these trees remove 567,748 tonnes of carbon dioxide emissions annually. Similarly, trees capture chemicals that can travel to streams, lakes and oceans, reducing water pollution. Trees also help capture storm water, thereby increasing the ground water level.

Trees help reduce heat islands and their negative environmental effects. A heat island is created when an unshaded paved area absorbs heat during the day and then releases it at night. These heat islands occur on the ground as well as in the atmosphere. Urban trees act as a heat buffer, making cities more resilient to weather and climatic conditions. Studies conducted by the National Aeronautics and Space Administration and the United States Environmental Protection Agency have concluded that the presence or absence of vegetation impacts the temperature in an area.

Health

Urban forests protect human and ecosystem health and safety. According to studies reported in "The Journal of Environmental Psychology", "Nature" magazine, and "Evergreen Research Ambassador Program", people suffering from stress, illness or trauma heal more quickly when they are exposed to trees. Trees that can be seen or images of the trees that can be projected in hospital rooms can be soothing. In order to maximize these health and safety benefits, cities must be attentive to and vigilant about their tree selection and maintenance.

Economics

Studies have demonstrated that a healthy urban forest brings economic gains to a city. The 2015 USDA study identified several benefits. Trees save 684 Gigawatt hours of electricity statewide annually³. The study also estimated that cities gain \$5.82 in benefits for every dollar spent on

³ 1 Gigawatt powers approximately 150 homes per year in California (U.S. Energy Information Administration)

trees and indicated that street trees have a positive effect on property values. In California, each tree on the street added an average of \$91.89 to the adjacent property.

According to the First Step study, when there is an attractive, cool, tree-shaded street, shoppers will spend more time and money in the area. Multiple sources indicate that mature trees can lower air conditioning costs by up to 56%, providing a financial incentive for businesses to locate to these sites.

Trees add beauty to neighborhoods. Residents prefer to live on tree-lined streets. Trees are an excellent way to keep yards green while conserving water, especially if the proper tree selection is made.

In spite of these benefits, many California cities do not consider the urban forest program to be as important as other public improvements such as streets, storm drains and city buildings. In general, city officials have made little effort to measure the financial impact of the local urban forest or the energy and water savings that trees generate.

The 2015 USDA study indicated that there were 9.1 million street trees in California in 2014 and noted that the tree density had declined by 30% since 1988.

Orange County

One of the issues facing Orange County cities is their liability for injuries or damage caused by street trees. Cities indicated they faced liabilities from tripping hazards, falling branches, and root intrusions. This raised a question of a relationship between the amount a city spent on street tree maintenance and the liability. The Grand Jury selected eight cities for further analysis: the four with the highest percentage of total budget allocated to street trees and the four with the lowest percentage. The eight cities were asked to provide information on liability claims dating back to 2014. However, the liability data received did not show any relationship between a city's street tree budget and related liability claims.

There are a number of factors that limit a city's ability to increase the number of its street trees. One of these is the lack of space under the city's control. Newer cities are largely made up of residential areas under the control of homeowner's associations. As a result, street trees owned by cities may be limited to arterial streets, medians and parks. Smaller cities, due to space restrictions such as lack of parkways, have fewer opportunities to add significant numbers of street trees. Some cities have not been successful at obtaining resident buy-in due to city ordinances that require homeowners to irrigate trees for the first two years.

Orange County cities have been dealing with a number of elements out of their control. Weather conditions, particularly the drought of the recent past, have led some cities to stop replacing dead or dying street trees to reduce water expenditures. Invasive pests, particularly the shot hole

borer, have decimated other stands of trees and, without good alternatives, the cities may not replace those street trees.

The University of California, Riverside (UCR) is conducting research that may assist cities in addressing some of these concerns. The research focuses on identifying tree species that are best suited for certain micro-climates, more drought tolerant and less susceptible to invasive pests.

The Grand Jury determined that, in general, city staff members believe their city councils have been supportive of the efforts to maintain their urban forest. General Funds provide most of the money for tree programs; however, several cities receive supplemental funds from special districts or grants. Urban forestry budgets in Orange County cities range from \$20,000 to over \$1.8 million and per capita spending ranges from \$1.26 to \$9.19. A comparison of cities spending shows differences of up to \$45.95 per tree (\$49.28 vs. \$3.33).

The Grand Jury further determined that the vast majority of Orange County cities believe their financial and staff resources are better managed by employing a small in-house maintenance crew and contracting for scheduled tree maintenance and services.

Management

When planting a new street tree, a city needs to consider two factors: tree selection and location. According to arborists, it is very important to consider a tree's root system during the selection process. Some trees have a very aggressive root system that is not noticed in the first couple of years but, as the tree matures, roots rise to the surface, lifting sidewalks, cracking retaining walls and invading sewer systems. While this type of tree may work quite well in a park setting with lots of open space around it, planting it in a residential area may not be the best choice. Certain species of trees can survive in small openings in sidewalks or curb areas, while others will die from lack of water. Soil needs to have enough depth for the root structure and should be free of obstructions blocking trees with a long tap root. Additionally, utility line exposures should be considered. If a tree grows into utility lines, severe trimming to keep the lines clear may be detrimental to the health of the tree. Tree sustainability should be considered when locating a new tree.

One of the recommendations of the First Step report is that a position such as a City Forest Officer be created to provide advice to the departments and citizens of the city. The duties of this position would include strategic planning and community outreach. Several Orange County city officials stated that they would welcome such a position in the County of Orange. These officials indicated that having access to the latest research and best practices in the field would be very helpful to their tree programs. They also noted that the position would be valuable in helping to educate the public and encourage citizens to become involved in their city's efforts to improve their urban forests and facilitate intra city communication regarding urban forest programs.

The following Findings, Recommendations and Commendation are based on information provided by the County of Orange and the nine cities that participated in the interviews:

- La Palma
- Laguna Beach
- Laguna Niguel
- Laguna Woods
- Mission Viejo
- Santa Ana
- Stanton
- Westminster
- Yorba Linda

FINDINGS

In accordance with California Penal Code Sections §933 and §933.05, the 2018-2019 Grand Jury requires (or, as noted, requests) Responses from each agency affected by the Findings presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “Orange County’s Urban Forest” the 2018-2019 Grand Jury has arrived at ten principal Findings, as follows:

F1. Cities identified in F10 have dedicated a portion of their general fund budget to an urban forest program; however, the allocated percentage varies widely among cities (See Appendix B).

F2. In order to efficiently manage financial and staff resources, Orange County cities identified in F10 utilize contract services for their tree maintenance and services. Some cities also maintain a small staff to supplement contract services.

F3. City councils for the cities identified in F10 are supportive of their urban forest programs and budget requests made by their respective city managers and public works departments.

F4. Cities interviewed for this report reported minimal financial liabilities from tripping hazards, root intrusions, and falling branches and trees.

F5. Cities identified in F10 have not been successful in ensuring that residents are aware of their city’s urban forest program.

F6. Environmental and economic benefits provided by urban forests have not been fully realized in Orange County cities identified in F10 and the unincorporated areas of Orange County.

F7. Cities identified in F10 do not coordinate their urban forest programs with each other.

F8. The County of Orange does not coordinate a cohesive urban forest program with its cities.

F9. The County of Orange does not have an allocated street tree budget for unincorporated areas (Appendix B).

F10. The following cities have significantly fewer public street trees per resident than other Orange County cities (Appendix B).

- La Palma
- Laguna Beach
- Laguna Niguel
- Laguna Woods
- Santa Ana
- Stanton
- Westminster
- Yorba Linda

RECOMMENDATIONS

In accordance with California Penal Code Sections §933 and §933.05, the 2018-2019 Grand Jury requires (or, as noted, requests) Responses from each agency affected by the Findings presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “Orange County’s Urban Forest” the 2018-2019 Grand Jury makes the following five Recommendations and one Commendation:

R1. By September 30, 2019, each city listed in F10 and the City of Mission Viejo should commit to continue regularly scheduled tree inspection and maintenance cycles to enhance public safety and to minimize future liabilities due to tree-related claims (**F4**).

R2. By September 30, 2019, Orange County cities listed in F10 should implement a program to coordinate with non-profit and volunteer organizations to improve residents’ awareness of the city’s urban forest benefits and promote active involvement with ongoing programs (**F5**).

R3. By September 30, 2019, Orange County cities listed in F10 should develop and implement policies and practices that will benefit their urban forests and explore ways to improve their street tree count (**F1, F6, F10**).

R4. By September 30, 2019, the County of Orange and each of the cities listed in F10 should individually, or through an MOU or other cooperative agreement with as many other Orange County cities as are willing to cooperate, hire or contract with an Urban Forest Coordinator to (**F7, F8**):

- Act as a resource to provide advice to the County and the cities and assist them with coordination among each other.
- Coordinate volunteer groups to participate in and enhance the County and each city's urban forest program.

R5. By September 30, 2019, the County of Orange should reevaluate allocating a street tree budget for unincorporated areas (**F9**).

COMMENDATION

The City of Mission Viejo has an exceptional community involvement program that includes a city employee dedicated to coordinate volunteer organizations to assist with the urban forest program. The Grand Jury commends Mission Viejo.

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the Findings and Recommendations of this Grand Jury report:

§933(c)

“No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices . . . “

§933.05

“(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.*
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.*

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.*
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.*
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.*
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.”*

Comments to the presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Findings:

Orange County Board of Supervisors	F6, F8, F9
City Councils of the following cities: La Palma, Laguna Beach, Laguna Niguel Laguna Woods, Santa Ana, Stanton, Westminster, Yorba Linda	F1, F2, F3, F4, F5, F6, F7, F10
Mission Viejo	F4

Recommendations:

Orange County Board of Supervisors	R4, R5
City Councils of the following cities: La Palma, Laguna Beach, Laguna Niguel Laguna Woods, Santa Ana, Stanton, Westminster, Yorba Linda	R1, R2, R3
Mission Viejo	R1

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Orange County's Urban Forest

APPENDIX

A. Statistical Information obtained from all Orange County cities

STATISTICAL STREET TREE MAINTENANCE DATA and BUDGETING PER CITY

PAGE #1

CITIES Population	Forestry Budget Amount	Per Capita Amount	Number of Trees	Cost Per Tree Amount	Liability Exposure	Value of Street Trees
<i>Aliso Viejo 51,950</i>	\$25,000	\$0.48	500	\$50	Tripping	\$400K
<i>Anaheim 357,084</i>	\$1,086,426	\$3.04	79,989	\$13.58	Tripping, Limbs, Trees	\$186M
<i>Brea 44,890</i>	\$273,336	\$6.09	13,421	\$20.36	Tripping, Limbs, Trees	\$25M
<i>Buena Park 83,995</i>	\$189,000	\$2.25	17,144	\$11.02	Tripping, Limbs, Trees, Sewer Lines	\$26M
<i>County of Orange (Unincorporated) 129,278</i>	NRP	NRP	84,913	NRP	NRP	\$263M
<i>Costa Mesa 115,296</i>	NR	NR	NR	NR	NR	NR
<i>Cypress 49,978</i>	\$220,000	\$4.40	16,601	\$13.25	Tripping, Limbs, Trees	\$32M
<i>Dana Point 34,071</i>	\$600,000	\$1.76	12,886	\$46.56	Tripping, Limbs, Trees	\$32M
<i>Fountain Valley 56,920</i>	\$471,547	\$8.27	12,642	\$37.30	Tripping	NRP
<i>Fullerton 144,214</i>	\$1,183,170	\$8.20	43,110	\$27.44	Tripping, Limbs, Trees	\$107M
<i>Garden Grove 176,896</i>	\$1,461,771	\$2.66	29,658	\$49.29	Tripping, Limbs, Trees	\$65M
<i>Huntington Beach 202,648</i>	\$1,862,577	\$9.19	557,717	\$3.33	Tripping, Limbs, Trees	\$144M
<i>Irvine 276,176</i>	\$2,000,000	\$7.24	76,000	\$26.32	Tripping, Limbs, Trees	\$181M
<i>La Habra 62,850</i>	\$306,554	\$4.87	11,230	\$27.29	Tripping, Limbs, Trees	\$27M
<i>La Palma 15,948</i>	\$31,000	\$1.94	1,645	\$18.84	Tripping, Limbs, Trees	\$3.7M
<i>Laguna Beach 23,309</i>	\$330,400	\$14.15	2,843	\$116	Tripping, Limbs, Trees	\$10M
<i>Laguna Hills 31,818</i>	\$280,000	\$8.80	10,157	\$27.56	Occasional Claims	\$27M
<i>Laguna Niguel 65,377</i>	\$324,000	\$4.95	6,822	\$47.49	Branches Striking Vehicles	\$15M
<i>Laguna Woods 16,597</i>	\$26.29	\$1.58	500	\$33.40	Minimal Occurances	NRP
<i>Lake Forest 84,845</i>	\$419,800	\$4.95	16,000	\$26.24	Tripping, Limbs, Trees	NRP
<i>Los Alamitos 11,863</i>	\$55,000	\$4.63	2,790	\$19.71	Tripping, Limbs, Trees	\$7M

* NR = NO RESPONSE

*NRP = NOT REPORTED

Created by 2018-2019 Grand Jury.

Orange County's Urban Forest

STATISTICAL STREET TREE MAINTENANCE DATA and BUDGETING PER CITY

PAGE #2

CITIES Population	Forestry Budget Amount	Per Capita Amount	Number of Trees	Cost Per Tree Amount	Liability Exposure	Value of Street Trees
<i>Mission Viejo 95,987</i>	\$400,000	\$4.16	44,981	\$8.89	Periodic Claims	\$123M
<i>Newport Beach 87,182</i>	\$1,756,000	\$20.14	35,159	\$49.94	Tripping, Limbs, Trees	\$72M
<i>Orange 141,952</i>	\$725,000	\$5.10	26,500	\$27.35	Tripping, Limbs, Trees	\$58M
<i>Placentia 52,755</i>	\$170,000	\$3.22	15,119	\$11.24	Tripping, Limbs, Trees, Block Walls	\$22M
<i>Rancho Santa Margarita 49,329</i>	NRP	NRP	NRP	NRP	Tripping, Limbs, Trees	NRP
<i>San Clemente 65,543</i>	\$424,500	\$6.47	16,500	\$25.72	Periodic Claims	NRP
<i>San Juan Capistrano 36,759</i>	\$162,435	\$4.42	11,379	\$14.27	Tripping, Limbs, Trees	\$20M
<i>Santa Ana 338,247</i>	\$2,600,000	\$7.68	53,223	\$48.85	Tripping, Limbs, Trees	\$181M
<i>Seal Beach 25,984</i>	\$20,000	\$0.76	NRP	NRP	Tripping, Limbs, Trees	NRP
<i>Stanton 39,470</i>	\$30,000	\$1.77	3,690	\$18.97	Tripping, Limbs, Trees	\$511K
<i>Tustin 82,344</i>	\$750,000	\$9.10	19,988	\$37.52	Tripping, Limbs, Trees	\$52M
<i>Villa Park 5,951</i>	\$44,000	\$7.39	NRP	NRP	Not Reported	NRP
<i>Westminster 94,476</i>	\$170,000	\$1.80	9,255	\$18.37	Tripping, Limbs, Trees	\$17M
<i>Yorba Linda 69,121</i>	\$272,000	\$3.93	7,749	\$35.10	Tripping, Limbs, Trees	\$28M

* NR = NO RESPONSE

*NRP = NOT REPORTED

Created by 2018-2019 Grand Jury

B. Street Tree budget as a percentage of total budget and number of Street Trees per 100 residents for Orange County cities

Cities and Budget

City	% of Total City Budget Allocated For Street Trees
Dana Point	1.63
Laguna Hills	1.37
Garden Grove	1.31
Villa Park	1.29
Fullerton	1.27
Tustin	1.21
Santa Ana	0.98
Lake Forest	0.89
Newport Beach	0.82
Huntington Beach	0.82
Laguna Niguel	0.79
Yorba Linda	0.79
Cypress	0.77
La Habra	0.72
Irvine	0.7
Orange	0.65
San Clemente	0.6
Mission Viejo	0.59
San Juan Capistrano	0.58
Brea	0.53
Laguna Beach	0.52
Placentia	0.49
Laguna Woods	0.48
Fountain Valley	0.44
Los Alamitos	0.41
Anaheim	0.33
Stanton	0.32
Buena Park	0.28
Westminster	0.28
La Palma	0.21
Aliso Viejo	0.13
Seal Beach	0.05
Rancho Santa Margarita	NRP
County of Orange	NRP
Costa Mesa	NR

Cities and Tree Ratio per 100 Resident:

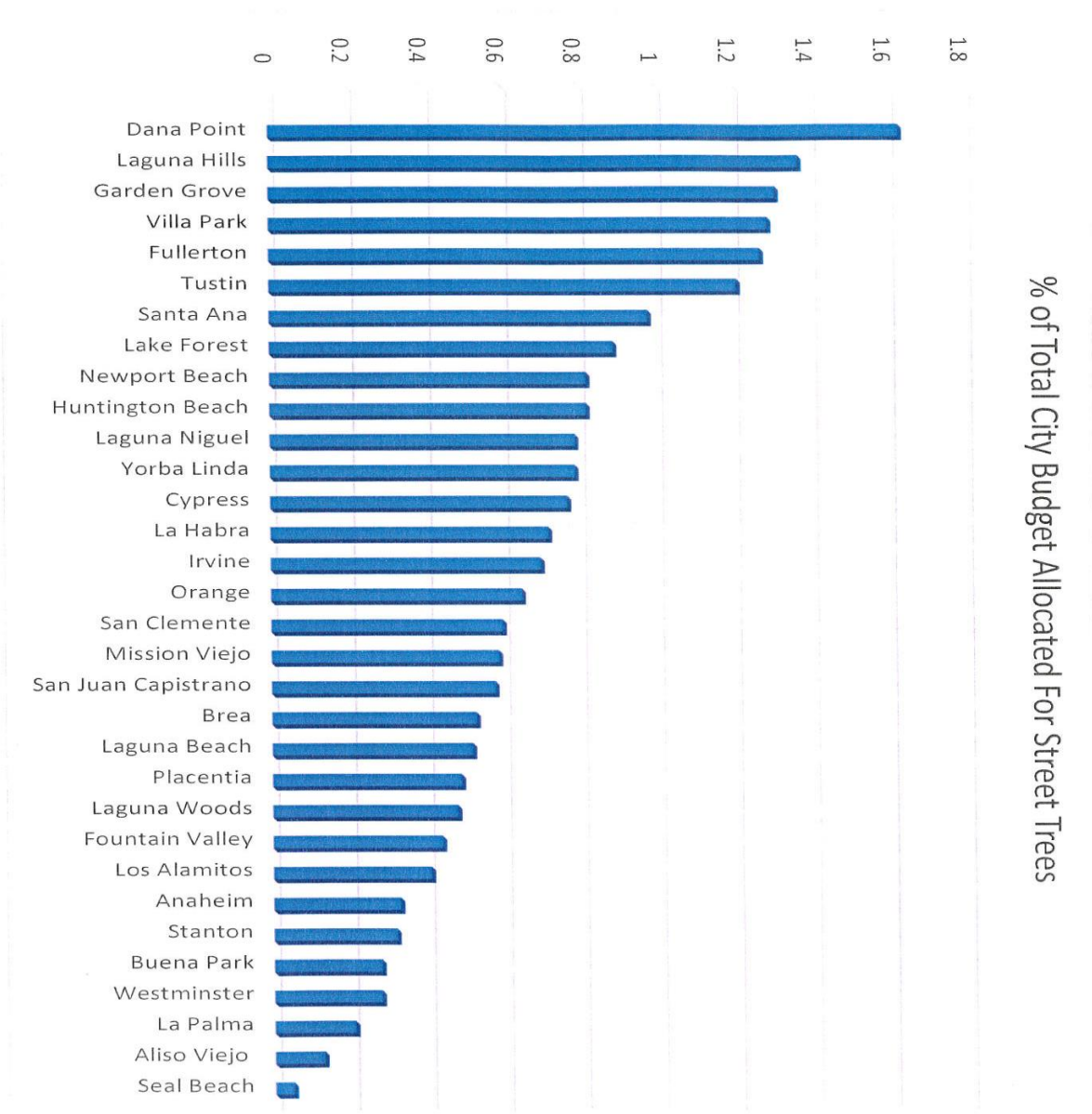
City	Street Tree to Residents Ratio (# of Street Trees to 100 Residents)
Mission Viejo	47
Newport Beach	40
Dana Point	37
Cypress	33
Laguna Hills	32
San Juan Capistrano	31
Los Alamitos	30
Brea	30
Fullerton	29
Placentia	28
Irvine	27
Huntington Beach	27
Tustin	24
San Clemente	24
Fountain Valley	22
Anaheim	22
Buena Park	20
Lake Forest	19
La Habra	18
Garden Grove	17
Orange	17
Santa Ana	15
Laguna Beach	12
Laguna Niguel	10
La Palma	10
Stanton	9
Westminster	8
Yorba Linda	6
Laguna Woods	3
Aliso Viejo	1
Seal Beach	NRP
Rancho Santa Margarita	NRP
Villa Park	NRP
County of Orange	NRP
Costa Mesa	NR

Legend

High	25 and Above
Medium	16 - 24
Low	Below 16
NRP	Not Reported
NR	No Response

Created by 2018-2019 Grand Jury

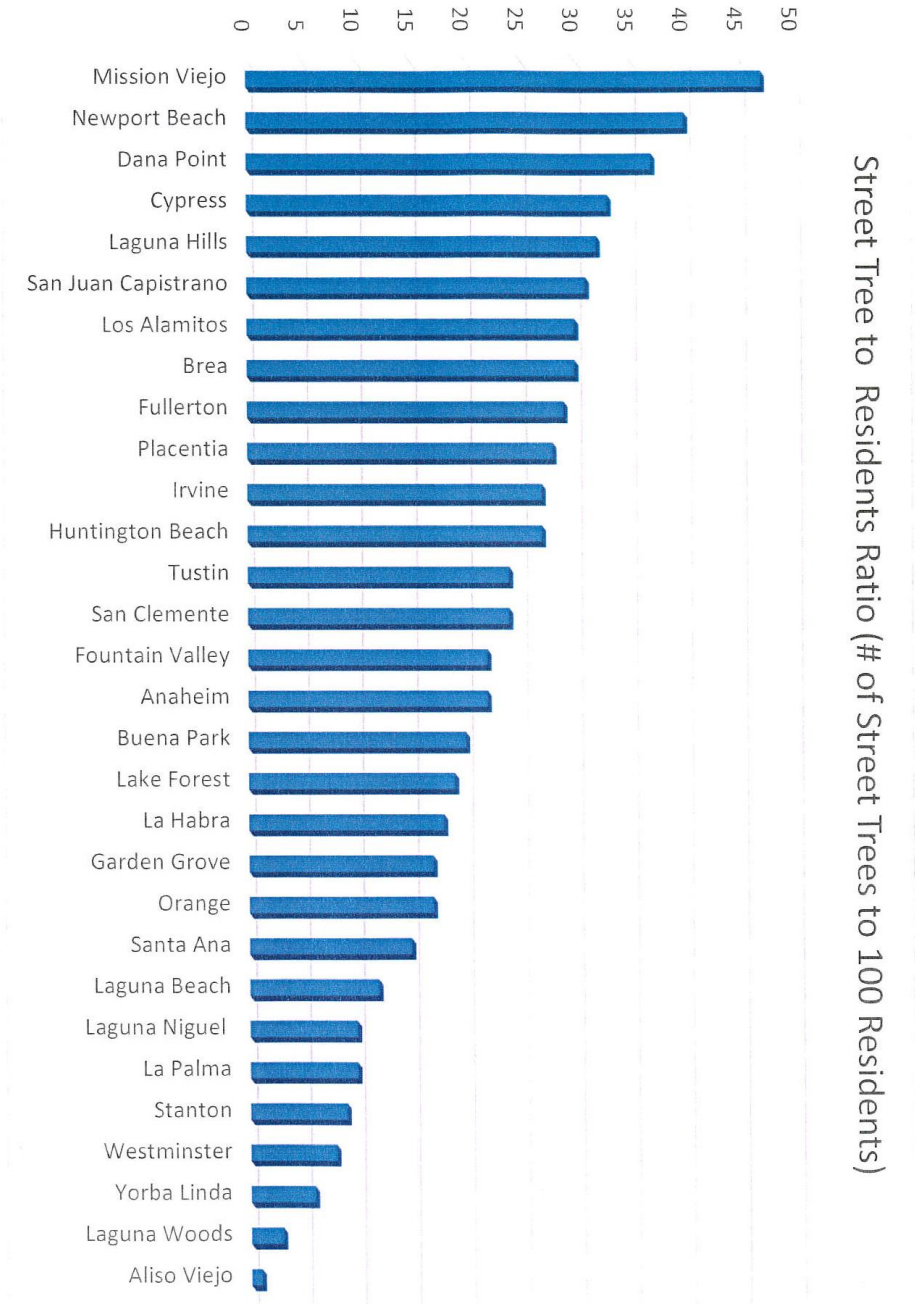
C. Street Tree budget as a percentage of total budget for Orange County cities



Created by 2018-2019 Grand Jury

Orange County's Urban Forest

D. Number of Street Trees per 100 residents for Orange County cities



Created by 2018-2019 Grand Jury

E. Street Tree Photos

Street tree canopy



Tree with root intrusion and sidewalk damage



(Source: 2018-2019 Grand Jury)

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Cynthia Conners
Mayor

August XX, 2019

Noel Hatch
Mayor Pro Tem

The Honorable Kirk H. Nakamura
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Shari L. Horne
Councilmember

Carol Moore
Councilmember

SUBJECT: City of Laguna Woods' Response to the 2018-2019 Orange County Grand Jury Report, "Orange County's Urban Forest"

Joe Rainey
Councilmember

Christopher Macon
City Manager

Dear Judge Nakamura:

Per the Orange County Grand Jury's request, and in accordance with California Penal Code Section 933, please find the City of Laguna Woods' response to the subject report attached. The response was approved by the Laguna Woods City Council on XX, 2019.

If you have any questions or would like any additional information, please contact David B. Cosgrove at (714) 662-4602 or dcosgrove@rutan.com.

Sincerely,

Cynthia Conners
Mayor

Attachment: A – City of Laguna Woods' Response to the 2018-2019 Orange County Grand Jury Report, "Orange County's Urban Forest"

cc: Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701

ATTACHMENT A

City of Laguna Woods’ Response to the 2018-2019 Orange County Grand Jury Report,
“Orange County’s Urban Forest”

FINDINGS

F1. Cities identified in F10 have dedicated a portion of their general fund budget to an urban forest program; however, the allocated percentage varies widely among cities (See Appendix B).

Response: The City of Laguna Woods disagrees partially with this finding. The City of Laguna Woods has dedicated a portion of its General Fund (and, other funds) budget to its urban forest program. The City of Laguna Woods does not have firsthand knowledge of the budget practices or conditions of the other cities identified in F10.

F2. In order to efficiently manage financial and staff resources, Orange County cities identified in F10 utilize contract services for their tree maintenance and services. Some cities also maintain a small staff to supplement contract services.

Response: The City of Laguna Woods disagrees partially with this finding. The efficient management of financial and staff resources is one reason why the City of Laguna Woods utilizes contract services for tree maintenance and services. The City’s decision-making is intended to ensure the efficient, effective, and economical conduct of City business. The City of Laguna Woods does not have firsthand knowledge of the reasons for or the manners in which the other cities identified in F10 provide for tree maintenance and services.

F3. City councils for the cities identified in F10 are supportive of their urban forest programs and budget requests made by their respective city managers and public works departments.

Response: The City of Laguna Woods disagrees partially with this finding. The Laguna Woods City Council is supportive of the City of Laguna Woods’ urban forest program, as well as budget requests made by the City Manager and the Engineering & Infrastructure Services Department. The City of Laguna Woods does not have firsthand knowledge of the views or responsiveness of the city councils for the other cities identified in F10.

F4. Cities interviewed for this report reported minimal financial liabilities from tripping hazards, root intrusions, and falling branches and trees.

Response: The City of Laguna Woods disagrees partially with this finding. The City of Laguna Woods was interviewed for the report and did report minimal financial liabilities from tripping hazards, root intrusions, and falling branches and trees. The City of Laguna Woods does not have firsthand knowledge of whether or what the other cities interviewed for the report reported to the Orange County Grand Jury.

F5. Cities identified in F10 have not been successful in ensuring that residents are aware of their city’s urban forest program.

Response: The City of Laguna Woods disagrees wholly with this finding. It is unclear how the Orange County Grand Jury reached such a finding. The City of Laguna Woods does not believe its residents are unaware of its urban forest program. The City of Laguna Woods does not have firsthand knowledge of whether other cities have been successful in ensuring that their residents are aware of their respective urban forest programs.

F6. Environmental and economic benefits provided by urban forests have not been fully realized in Orange County cities identified in F10 and the unincorporated areas of Orange County.

Response: The City of Laguna Woods disagrees wholly with this finding. It is unclear how the Orange County Grand Jury reached such a finding. The City of Laguna Woods' urban forest provides substantial environmental and economic benefits, many of which are generally summarized in the "Background and Facts" section of the report.

F7. Cities identified in F10 do not coordinate their urban forest programs with each other.

Response: The City of Laguna Woods disagrees partially with this finding. In general, the City of Laguna Woods does not coordinate its urban forest program with other cities, nor do other cities coordinate their urban forest programs with the City. The City of Laguna Woods does not have firsthand knowledge of the extent to which urban forest programs may be coordinated (if at all) amongst the other cities identified in F10.

F10. The following cities have significantly fewer public street trees per resident than other Orange County cities (Appendix B). • La Palma • Laguna Beach • Laguna Niguel • Laguna Woods • Santa Ana • Stanton • Westminster • Yorba Linda

Response: The City of Laguna Woods disagrees partially with this finding. The Orange County Grand Jury's decision to exclude public land area from its comparison of public street trees by city has resulted in a flawed assessment of local efforts. The City of Laguna Woods' public streets and right-of-way areas (the only areas in which public street trees would be found) are generally limited to areas containing or adjacent to El Toro Road, Moulton Parkway, Ridge Route Drive, and Santa Maria Avenue. All other streets in Laguna Woods, including all residential streets, are located on private property and are, therefore, landscaped and maintained by private property owners. That is a markedly different arrangement than exists in other cities due to the size and scope of private development located within Laguna Woods. The City of Laguna Woods is proud of its public street trees and notes that the presence of trees throughout Laguna Woods is plentiful. The City of Laguna Woods does not have firsthand knowledge of the number of public street trees located in the cities identified in F10.

RECOMMENDATIONS

R1. By September 30, 2019, each city listed in F10 and the City of Mission Viejo should commit to continue regularly scheduled tree inspection and maintenance cycles to enhance public safety and to minimize future liabilities due to tree-related claims (F4).

Response: The City of Laguna Woods has implemented this recommendation prior to the report. The City of Laguna Woods has a longstanding commitment to regularly scheduled tree inspection and maintenance cycles for reasons including enhancing public safety and minimizing future liabilities due to tree-related claims. The City of Laguna Woods' commitment predates the report and remains unchanged as a result. The City conducts citywide tree inspections and citywide tree maintenance on an annual and as-needed basis.

R2. By September 30, 2019, Orange County cities listed in F10 should implement a program to coordinate with non-profit and volunteer organizations to improve residents' awareness of the city's urban forest benefits and promote active involvement with ongoing programs (F5).

Response: The City of Laguna Woods will not implement this recommendation because it is not warranted. As stated in the response to F5, the City of Laguna Woods does not believe its residents are unaware of its urban forest program. The City of Laguna Woods' encourages the active involvement of residents in reporting tree maintenance needs, which continues to occur without specific external programmatic coordination.

R3. By September 30, 2019, Orange County cities listed in F10 should develop and implement policies and practices that will benefit their urban forests and explore ways to improve their street tree count (F1, F6, F10).

Response: The City of Laguna Woods will not implement this recommendation because it is not warranted. The City of Laguna Woods' urban forest is well-maintained as a result of existing policies and practices, which are reviewed at least annually and amended on an as-needed basis. The Orange County Grand Jury's perception that the City of Laguna Woods' public street tree count requires improvement is based on a flawed methodology as previously discussed in the response to F10. The City of Laguna Woods does not believe that there is a deficiency in its present public street tree count and remains committed to appropriately caring for and, when practicable, expanding its urban forest.

8.2

AGGRESSIVE SOLICITATION REGULATIONS

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: City Manager's Office

FOR: August 21, 2019 Regular Meeting

SUBJECT: Aggressive Solicitation Regulations

Recommendation

Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING CHAPTER 7.22 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO AGGRESSIVE SOLICITATION

Background

Laguna Woods Municipal Code Chapter 7.22 contains regulations related to aggressive solicitation (Attachment A), which were adopted in 2013.

On July 17, 2019, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment B) which, if adopted, would modify existing regulations related to water quality.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the proposed repeal of Laguna Woods Municipal Code Chapter 7.22 (Attachment B). Staff recommends that the City Council adopt the proposed ordinance, in response to recent developments in case law.

Staff has consulted with the Orange County Sheriff's Department and determined that the California Penal Code substantially prohibits the "aggressive" behaviors described in Laguna Woods Municipal Code Section 7.22.020(5) [e.g., California Penal Code sections 240, 242, 415(3), 422, 647(C), 646.9, and 10852].

The location-specific prohibitions on solicitation set forth in Laguna Woods Municipal Code Section 7.22.040 – which apply to both aggressive and non-aggressive solicitation – are not included in the California Penal Code and their legality has been called into question as a result of a federal court challenge to similar restrictions in Sacramento. [see *Sacramento Regional Coalition to End Homelessness et al v. City of Sacramento (2018)* (United States District Court, Eastern District, Case No. 2:18-cv-00878-MCE-AC.)]

If the City Council takes the recommended action at today's meeting, the proposed ordinance would become effective in 30 days.

Environmental Review

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. The City has not encountered circumstances requiring enforcement of the provisions of the regulations since their passage, and therefore their repeal will not affect baseline environmental conditions. The proposed repeal relates to enforcement of a law adopted by a regulatory agency, and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15321 of Title 14 of the California Code of Regulations. The proposed action is not a project subject to CEQA pursuant to sections 15378(b)(1) and 15061(b)(3) of Title 14 of the California Code of Regulations.

Fiscal Impact

Funds to support this project are included in the City's budget.

Attachments: A – Existing Laguna Woods Municipal Code Chapter 7.22
B – Proposed Ordinance

CHAPTER 7.22. - AGGRESSIVE SOLICITATION

Sec. 7.22.010. - Findings.

The City Council of the City of Laguna Woods finds as follows:

- (a) An increase in aggressive solicitation throughout the City has become extremely disturbing and disruptive to residents and businesses. Such aggressive solicitation has contributed not only to the loss of access to and enjoyment of various public places, but also to an enhanced sense of fear, intimidation, and disorder, and an erosion of perceptions of personal comfort and safety.
- (b) The presence of individuals who solicit money from person at or near banks, check cashing locations, and outdoor automated teller machines is particularly threatening and dangerous. Persons frequenting such establishments are frequently exposed to passersby at an area they either do, or are likely to have, ready cash in hand, can frequently not walk away without leaving accounts accessible to strangers and/or leaving automatic teller cards in machines, and are within an area where both their money and financial privacy are at stake. The solicitation of people while using automatic teller machines or in the immediate vicinity of a bank or check cashing location heightens feelings of duress and intimidation that can be felt by those solicited.
- (c) Motorists who find themselves confronted by persons who, without permission, wash automobile windows, or perform other "services" in exchange for cash, are often intimidated, because such activity often occurs with stopped vehicles, where the personal movement of the driver and passengers is restricted, and such activity often carries with it an implicit threat to both person and property.
- (d) Aggressive solicitation, which includes approaching or following pedestrians, use of confrontational or abusive language, unsolicited or unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic, is disturbing and disruptive to both residents and businesses, and contributes not only to the loss of access and enjoyment of public places, but also to an enhanced sense of fear, intimidation, and disorder.
- (e) The increase of solicitation at locations where the recipient of such solicitation is part of a captive audience, from which it is impossible or difficult to exercise their right to decline to listen to, or avoid solicitation from others, intimidates persons who are approached, interferes with privacy and a personal sense of security, impedes vehicular and pedestrian traffic flow, and negatively impacts businesses within the City. Such

places include bus shelters, or stops where parties must wait to access public transit, and enclosed parking structures where lighting, public visibility, and movement may be restricted.

- (f) Aggressive solicitation of potential customers as they enter and exit commercial establishments, has become increasingly disturbing to residents and businesses, and has generated an enhanced sense of fear, intimidation, and disorder, and has caused many residents or other potential customers to avoid shopping or dining within the City, which presents a threat to the economic vitality of the City.
- (g) Face-to-face solicitation presents risks of duress that are an appropriate target for regulation. Skillful or unprincipled solicitors can target vulnerable persons, including those accompanying children or those suffering physical impairment, who cannot easily avoid solicitation. Unsavory solicitors can commit fraud through concealment of affiliations or through deliberate efforts to shortchange those who may agree to immediately purchase goods or services.
- (h) The current laws and city ordinances are insufficient to address the above-mentioned problems. The restrictions contained herein are directed at the act, and in certain limited circumstances the location, of solicitation, and have no bearing whatsoever on the content of the solicitation nor the intended application of the funds or other benefits solicited. This chapter is not intended to limit any persons from the exercise of constitutional rights to solicit funds, picket, protest, or engage in other constitutionally protected activity. Rather, its goal is to provide reasonable time, place, and manner restrictions on such activity, directed toward the immediate exchange of funds or items of value, while leaving open ample alternative avenues of communication.

(Ord. No. 13-04, § 1, 7-17-2013)

Sec. 7.22.020. - Definitions.

- (5) *Aggressive manner* shall mean any of the following:
 1. Approaching, confronting, speaking to, or following a person immediately before, during, or immediately after soliciting, asking, or begging, if that conduct is intended or is likely to cause a reasonable person to:
 - a. Fear bodily harm to one's self or to another, or damage to or loss of property; or
 - b. Otherwise be intimidated into giving money or some other thing of value.
 2. Intentionally touching or causing physical contact with another person without that person's consent, or with an occupied vehicle without the occupant's consent, in the course of soliciting, asking, or begging.
 3. Intentionally blocking or interfering with the safe or free passage of pedestrian or

vehicular travel by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid contact.

4. Making violent or threatening gestures as part of the process of soliciting, asking, or begging, toward a person solicited, either immediately before, during, or immediately after soliciting, asking, or begging.
 5. Persisting in closely following or approaching a person as part of the process of soliciting, asking, or begging, after the person has been solicited and informed by the solicitor by clear words or conduct that such person does not want to be solicited, and does not want to give money or any other thing of value to the solicitor.
 6. Using profane, offensive, or abusive language as part of the process of soliciting, asking, or begging, either immediately before, during, or immediately after soliciting, asking, or begging, which language is inherently likely to provoke an immediate violent reaction.
- (10) *Public place* shall mean a place to which the public or a substantial group of the public has access, and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, doorway, entrance, hallway, lobby, or other portion of any business establishment, multifamily housing development or hotel, not including a room or apartment designated for actual residents.
- (15) *Solicit, ask, or beg* shall mean using spoken, written, or printed words, or bodily gestures, signs or other means, with the purpose of obtaining an immediate donation of money or other thing of value, or soliciting the immediate sale of goods or services, including but not limited to sales of books, newspapers, tracts, artwork, or the performance of actions such as the washing of automobile windows.

(Ord. No. 13-04, § 1, 7-17-2013)

Sec. 7.22.030. - Aggressive solicitation prohibited.

No person shall solicit, ask, or beg in an aggressive manner in any public place.

(Ord. No. 13-04, § 1, 7-17-2013)

Sec. 7.22.040 - Solicitation prohibited at specific locations.

No person shall solicit, ask, or beg at any of the following locations:

- (a) Within ten feet of any outdoor automatic teller machine or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.
- (b) Within ten feet of the entrance of any bank, banking association, savings and loan, trust company, savings bank, credit union, or other banking institution organized or operated

under the laws of the United States, and any bank the deposits of which are insured by the federal deposit insurance incorporation, during the operating business hours of any such financial institution.

- (c) Within ten feet of the entrance of any check cashing or payday loan business, or other business duly licensed as a check seller, bill payer or similar establishment, during the operating business hours of any such business.
- (d) Within any enclosed parking structure at any time, and within any parking lot generally open to the public between the hours of 6:00 p.m. and 7:00 a.m.
- (e) Within 10 feet of any bus stop, bus shelter, or other designated area for the collection or dropping off of passengers of public transit vehicles, during such times as the transportation service for which the location is designated is operating.
- (f) Within the designated travel lanes of any public roadway or bicycle lane or a public roadway median.

(Ord. No. 13-04, § 1, 7-17-2013)

Sec. 7.22.050. - Penalty.

Violation of this Article is punishable as an infraction.

(Ord. No. 13-04, § 1, 7-17-2013)

Sec. 7.22.060. - Non-exclusivity.

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws.

(Ord. No. 13-04, § 1, 7-17-2013)

ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING CHAPTER 7.22 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO AGGRESSIVE SOLICITATION

WHEREAS, aggressive solicitation regulations are codified at Chapter 7.22 of the Laguna Woods Municipal Code; and

WHEREAS, staff has recommended the repeal of Chapter 7.22 of the Laguna Woods Municipal Code (“Code Amendments”) in response to recent developments in case law; and

WHEREAS, on July 17, 2019, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

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

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that it can be seen with certainty that this project has no possibility of having a significant effect on the environment. The City has not encountered circumstances requiring enforcement of the provisions of the regulations to be repealed by this Ordinance since their passage, and therefore their repeal will not affect baseline environmental conditions. The repeal relates to enforcement of a law adopted by a regulatory agency, and is therefore exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15321 of Title 14 of the California Code of Regulations. The action is not a project subject to CEQA pursuant to sections 15378(b)(1) and 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Chapter 7.22 is hereby repealed in its entirety from the Laguna Woods Municipal Code.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. 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.

SECTION 7. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2019.

CYNTHIA CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 19-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2019, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2019 by the following vote to wit:

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

YOLIE TRIPPY, CMC, City Clerk

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8.3

CITY COUNCIL MEETING SCHEDULE
(NO REPORT)

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