



CITY OF LAGUNA HILLS

CITY COUNCIL/PLANNING AGENCY

REGULAR MEETING AGENDA

Tuesday, October 11, 2016 – 7:00 PM
(Closed Session at 6:00 PM when scheduled)

Barbara D. Kogerman, Mayor

Don Sedgwick, Mayor Pro Tempore

Andrew Blount, Council Member

Melody Carruth, Council Member

Dore J. Gilbert, M.D., Council Member

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, CA 92653

Any person wishing to address the City Council/Planning Agency on any matter, whether or not it appears on this Agenda, is asked to complete a pink "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council/Planning Agency. Completion of the form is voluntary. All persons may attend the meeting regardless of whether this form is completed.

Members of the public wishing to address the City Council can do so during the Public Comments portion of the Agenda with a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes for Public Comments. If you are commenting on an Agenda item, your comments will be heard at the time that item is scheduled on the Agenda. If you are addressing the City Council on an item not listed on the Agenda, the City Council is prohibited by law from discussing or taking any action on that item.

GENERAL BUSINESS - CONVENING AT 7:00 P.M.

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER CARRUTH

ROLL CALL OF CITY COUNCIL MEMBERS

CLOSED SESSION REPORT

1. PRESENTATIONS AND PROCLAMATIONS**1.1 Laguna Hills High School Student Liaison**

Recommendation: That the City Council Receive an Oral Report from Laguna Hills High School Student Liaison Jennifer Bommarito.

1.2 Laguna Hills 3/5 Marine Support Committee

Recommendation: That the City Council Receive an Update from Chair Karen Robbins on the 3/5 Dark Horse Committee.

2. PUBLIC COMMENTS

This is the time to address the City Council on any matter not listed on this Agenda that is within the subject matter jurisdiction of the City Council. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

3. CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the City Council or Staff request specific items be removed from the Consent Calendar.

3.1 Waive Reading in Full of all Ordinances and Resolutions on the Agenda

Recommendation: That the City Council waive reading in full of all Ordinances and Resolutions on the Agenda and declare that said titles which appear on the Public Agenda shall be determined to have been read by title and further reading waived.

3.2 Approval of Minutes for September 13, 2016, Regular Meeting

Recommendation: That the City Council Approve the Minutes of the September 13, 2016, Regular Meeting.

3.3 Approval of Warrant Register for Period Ended October 11, 2016

Recommendation: That the City Council Approve the Warrant Register in the Amount of \$1,274,456.99.

3.4 Progress Payment No. 2, Final, for Laguna Hills Community Center and Sports Complex Turf Renovation Project, CIP No. 238-B

Recommendation: That the City Council Approve Progress Payment No. 2, Final, in the Net Amount of \$8,645.00 to Sports Field Services for Laguna Hills Community Center and Sports Complex Turf Renovation Project, CIP No. 238-B, and Authorize the Filing of the Notice of Completion and Subsequent Release of Retention in 35 Days, if No Liens Have Been Filed.

3.5 Government Code Section 66006-Development Impact Fees Annual Report

Recommendation: That the City Council Approve the Development Impact Fees Annual Report Pursuant to Government Code Section 66006.

3.6 Second Reading and Adoption of an Ordinance Approving and Adopting Zoning Text Amendment No. 8-16-3624, an Amendment to Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions), to Prohibit Marijuana Businesses in All Zoning Districts

Recommendation: That the City Council Adopt an Ordinance Entitled: "An Ordinance of the City of Laguna Hills, California, Adopting Zoning Code Text Amendment No. 8-16-3624 Adding Chapter 9-103, Marijuana Businesses, to the Laguna Hills Municipal Code to Prohibit All Marijuana Businesses in All Zoning Districts, including an Exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(B)(3)."

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. PLANNING AGENCY

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

4.2 PUBLIC COMMENTS

This is the time to address the Planning Agency on any matter not listed on this Agenda that is within the subject matter jurisdiction of the Planning Agency. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

4.3 APPROVAL OF MINUTES FOR SEPTEMBER 13, 2016, REGULAR MEETING**4.3.1 Approval of Minutes for September 13, 2016, Regular Meeting**

Recommendation: That the Planning Agency Approve the Minutes of the September 13, 2016, Regular Meeting.

4.4 ADMINISTRATIVE REPORTS**4.5 PLANNING AGENCY PUBLIC HEARINGS****PLANNING AGENCY ADJOURNMENT****5. CITY COUNCIL PUBLIC HEARINGS****6. ADMINISTRATIVE REPORTS****6.1 City Manager****6.2 Assistant City Manager****6.2.1 2015-17 Biennial Budget Mid-Cycle Review**

Recommendation: That the City Council Receive and File the Report.

7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS**8. CITY COUNCIL MEMBER COMMENTS****ADJOURNMENT**

The next Regular Meeting of the City Council/Planning Agency will be October 25, 2016, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and the Courtyard at La Paz Center by October 7, 2016 at 01:14 PM.



City Clerk

October 7, 2016

Date

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

City Council Members receive no additional compensation or stipend as a result of simultaneously convening meetings of the Laguna Hills Planning Agency.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: October 11, 2016
TO: Mayor and Council Members
FROM: Cindy Sands
Admin. Assistant to City Manager
ISSUE: Approval of Minutes for September 13, 2016, Regular Meeting

RECOMMENDATION: That the City Council Approve the Minutes of the September 13, 2016, Regular Meeting.

ATTACHMENTS:

- 160913 CC Minutes

**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY
REGULAR MEETING
MINUTES
SEPTEMBER 13, 2016**

GENERAL BUSINESS - CONVENING AT 7:00 PM

CALL TO ORDER

Mayor Kogerman called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:00 p.m. in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills, California.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER GILBERT

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Mayor Kogerman, Mayor Pro Tempore Sedgwick, Council Member Carruth, Council Member Gilbert

Absent: Council Member Blount

CLOSED SESSION REPORT

There was no Closed Session Report.

1. PRESENTATIONS AND PROCLAMATIONS

- 1.1 APPOINTMENT OF LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON JENNIFER BOMMARITO AND ALTERNATE DELANEY HORCHOVER FOR THE 2016 FALL SEMESTER

MAYOR KOGERMAN PRESENTED A CERTIFICATE OF APPOINTMENT TO STUDENT LIAISON JENNIFER BOMMARITO. STUDENT LIAISON ALTERNATE DELANEY HORCHOVER WAS NOT AVAILABLE AT THE MEETING TO RECEIVE HER CERTIFICATE.

- 1.2 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON JENNIFER BOMMARITO.

1.3 RECOGNITION OF OWEN LITFIN, 73RD ASSEMBLY DISTRICT VETERAN OF THE YEAR

MAYOR KOGERMAN PRESENTED A CERTIFICATE OF RECOGNITION TO OWEN LITFIN IN HONOR OF BEING NAMED AS THE 73RD ASSEMBLY DISTRICT VETERAN OF THE YEAR.

2. PUBLIC COMMENTS

ALZHEIMER'S ORANGE COUNTY

Dan Daley, Healthcare Outreach Specialist for Alzheimer's Orange County, invited City Council to participate in one of the three Walk4Alz events scheduled in Orange County – Laguna Niguel, Saturday, October 22, 2016; Huntington Beach, Saturday, November 5, 2016; and Angel Stadium on Saturday, November 12, 2016. Visit www.alzoc.org/walk for information.

CITY COUNCIL APPRECIATION

Mike Bland, a resident of Laguna Hills, thanked City Council for all their hard work and expressed his appreciation for the support of the 3/5 Dark Horse Committee and the partnership with the City of Mission Viejo to provide animal care and shelter services.

3. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR, WITH COUNCIL MEMBER CARRUTH REMOVING ITEM NO. 3.7 AND ITEM NO. 3.8, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).**

3.1 WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

THE CITY COUNCIL WAIVED READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA AND DECLARED THAT SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.

3.2 APPROVAL OF MINUTES FOR AUGUST 23, 2016, REGULAR MEETING

THE CITY COUNCIL APPROVED THE MINUTES OF THE AUGUST 23, 2016, REGULAR MEETING.

3.3 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED SEPTEMBER 13, 2016

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF \$586,954.59.

3.4 RESOLUTION AMENDING AND RESTATING THE CITY'S GENERAL AND AUTOMOBILE LIABILITY CLAIMS ADMINISTRATION PROCEDURES

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-09-13-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY THE CITY'S GENERAL AND AUTOMOBILE LIABILITY CLAIMS ADMINISTRATION PROCEDURES AND RESCINDING ALL PRIOR ACTIONS TAKEN CONCERNING THE ESTABLISHMENT OF CLAIMS ADMINISTRATION PROCEDURES.

3.5 AGREEMENT WITH THE CITY OF LAKE FOREST FOR FAIR SHARE PAYMENT FOR IMPROVEMENTS TO THE PASEO DE VALENCIA & AVENIDA DE LA CARLOTA INTERSECTION AND THE EL TORO ROAD & AVENIDA DE LA CARLOTA INTERSECTION

THE CITY COUNCIL APPROVED THE AGREEMENT WITH THE CITY OF LAKE FOREST FOR FAIR SHARE PAYMENT FOR IMPROVEMENTS TO THE PASEO DE VALENCIA & AVENIDA DE LA CARLOTA INTERSECTION AND THE EL TORO ROAD & AVENIDA DE LA CARLOTA INTERSECTION AND AUTHORIZED THE MAYOR TO SIGN THE AGREEMENT.

3.6 UPDATED MASTER AGREEMENT FOR ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 12-5468F15

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-09-13-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING THE UPDATED MASTER AGREEMENT FOR ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 12-5468F15, AND AUTHORIZING THE CITY MANAGER TO APPROVE THE MASTER AGREEMENT AND PROGRAM SUPPLEMENT AGREEMENTS THERETO.

3.9 SERVER VIRTUALIZATION AND BACKUP SYSTEM PROJECT

THE CITY COUNCIL APPROVED AND AUTHORIZED THE CITY MANAGER TO: (1) EXECUTE AN AGREEMENT WITH TCS NETWORK CONSULTING, INC. FOR A VMWARE WITH HIGH AVAILABILITY AND SSD ACCELERATION SOLUTION (SERVER VIRTUALIZATION PROJECT); AND (2) EXECUTE AN AGREEMENT WITH TCS NETWORK CONSULTING, INC. FOR A QNAP AND VEEAM BACKUP SOLUTION (BACKUP SYSTEM PROJECT).

3.10 CITY'S CONFLICT OF INTEREST CODE

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-09-13-3, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING AN UPDATED CONFLICT OF INTEREST CODE AND RESCINDING RESOLUTION NO. 2014-05-27-1.

ITEMS REMOVED FROM THE CONSENT CALENDAR

- 3.7 PROPOSED LEASE WITH VILMA AARONS, AN INDIVIDUAL, AND GENEVIEVE WALL, AN INDIVIDUAL, FOR 24031 EL TORO ROAD, SUITE 200, LAGUNA HILLS, CALIFORNIA**

Council Member Carruth removed Item No. 3.7 from the Consent Calendar to note the modifications made to the Lease document. The original proposed Lease identified Vilma Aarons as a Party to the Lease. The revised Lease will include only Genevieve Wall as a Party to the Lease and she will personally serve as the Guarantor to the Lease.

THE CITY COUNCIL APPROVED THE LEASE WITH GENEVIEVE WALL, AN INDIVIDUAL, FOR 24031 EL TORO ROAD, SUITE 200, LAGUNA HILLS, CALIFORNIA, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE LEASE, BY M/COUNCIL MEMBER CARRUTH, S/MAYOR KOGERMAN.

APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).

- 3.8 COMMUNITY CENTER AND SPORTS COMPLEX RENTAL FEES FOR THE 3/5 MARINE SUPPORT COMMITTEE'S SHOWCASE FOR VALOR MEMORIAL DAY WEEKEND BENEFIT CONCERT SCHEDULED FOR MAY 26, 2017**

Council Member Carruth removed Item No. 3.8 from the Consent Calendar for additional information. Deputy City Manager Reynolds responded.

THE CITY COUNCIL WAIVED THE RENTAL FEES FOR THE 3/5 MARINE SUPPORT COMMITTEE'S USE OF THE COMMUNITY CENTER AND SPORTS COMPLEX'S TOWN GREEN, GAZEBO, AND PICNIC SHELTER AREAS FOR THE SHOWCASE FOR VALOR MEMORIAL DAY WEEKEND BENEFIT CONCERT, BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER GILBERT.

APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).

4. PLANNING AGENCY

Mayor Kogerman recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:19 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Kogerman, Vice Chair Sedgwick, Agency Member Carruth, Agency Member Gilbert

Absent: Agency Member Blount

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR AUGUST 23, 2016, REGULAR MEETING

THE PLANNING AGENCY APPROVED THE MINUTES OF THE AUGUST 23, 2016, REGULAR MEETING, BY M/VICE CHAIR SEDGWICK, S/AGENCY MEMBER CARRUTH. APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BLOUNT ABSENT).

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS

4.5.1 CONDITIONAL USE PERMIT/SITE DEVELOPMENT PERMIT/ VARIANCE (CUP/SDPM/VA) NO. 2-16-3436, A REQUEST BY HC&D ARCHITECTS, INC., ON BEHALF OF IBRA FARMS RESTAURANTS, INC., TO REDEVELOP THE PROPERTY AT 23952 AVENIDA DE LA CARLOTA IN THE VILLAGE COMMERCIAL ZONE INCLUDING DEMOLITION OF THE EXISTING VACANT RESTAURANT BUILDING AND CONSTRUCTION AND OPERATION OF A NEW FARMER BOYS DRIVE-THRU RESTAURANT

Katie Crockett, Assistant Planner, reviewed the information provided in the Staff Report, provided a brief PowerPoint presentation, and responded to Planning Agency requests for additional information. Director of Public Services/City Engineer Rosenfield also responded to questions regarding traffic flow.

Chair Kogerman opened the Public Hearing.

Dan Hinson, Project Architect, spoke in favor of the project.

Chair Kogerman closed the Public Hearing.

THE PLANNING AGENCY: (1) CONDUCTED A PUBLIC HEARING; AND (2) ADOPTED RESOLUTION NO. PA2016-09-13-1, A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT/SITE DEVELOPMENT PERMIT/VARIANCE (CUP/SDPM/VA) NO. 2-16-3436, A REQUEST BY HC&D ARCHITECTS, INC. ON BEHALF OF IBRA FARMS RESTAURANTS, INC. TO REDEVELOP THE PROPERTY AT 23952 AVENIDA DE LA CARLOTA IN THE VILLAGE COMMERCIAL ZONE INCLUDING DEMOLITION OF THE EXISTING VACANT RESTAURANT BUILDING AND CONSTRUCTION AND OPERATION OF A NEW FARMER BOYS DRIVE-THRU RESTAURANT, BY M/AGENCY MEMBER GILBERT, S/VICE CHAIR SEDGWICK. APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BLOUNT ABSENT).

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council meeting at 7:59 p.m. All Council Members were present with the exception of Council Member Blount.

5. CITY COUNCIL PUBLIC HEARINGS

- 5.1 ZONING TEXT AMENDMENT NO. 8-16-3624, AN AMENDMENT TO TITLE 9 OF THE LAGUNA HILLS MUNICIPAL CODE (ZONING AND SUBDIVISIONS), TO PROHIBIT MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS

City Attorney Simonian reviewed the information provided in the Staff Report.

Mayor Kogerman opened the Public Hearing and upon seeing no one rise closed the Public Hearing.

THE CITY COUNCIL: (1) CONDUCTED A PUBLIC HEARING, AND (2) INTRODUCED FOR FIRST READING, READ BY TITLE ONLY, AND WAIVED FURTHER READING, AN ORDINANCE ENTITLED: "AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 8-16-3624 ADDING CHAPTER 9-103, MARIJUANA BUSINESSES, TO THE LAGUNA HILLS MUNICIPAL CODE TO PROHIBIT ALL MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS, INCLUDING AN EXEMPTION FROM THE

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15061(B)(3)," BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).**

5.2 PRESENTATION OF COMPREHENSIVE FEE STUDY AND PROPOSED RESOLUTION ESTABLISHING AND ADOPTING UPDATED DEVELOPMENT PROCESSING FEES AND OTHER CITY RATES, CHARGES, AND FEES FOR VARIOUS GOVERNMENTAL SERVICES

Janice Reyes, Finance Manager, briefly reviewed the information provided in the Staff Report and introduced Tony Thrasher of Willdan Financial Services who provided a brief overview of the Comprehensive User Fee Study. Ms. Reyes and Mr. Thrasher responded to requests for additional information.

Mayor Kogerman opened the Public Hearing.

Duane Cave, San Diego Gas & Electric External Relations Manager, voiced his concerns regarding the increase in fees and recommended that the City Council consider pulling Section D of the proposed Comprehensive User Fee Study until further review.

Paul Simonds, Southern California Gas Public Affairs Manager, voiced his concerns regarding the increase in fees.

Mayor Kogerman referred to letters received from the Building Industry Association of Southern California, Inc., Southern California Edison, Southern California Gas, and AT&T expressing their concerns regarding the proposed Comprehensive User Fee Schedule update and submitted as written public comment.

Mayor Kogerman closed the Public Hearing.

**THE CITY COUNCIL: (1) CONDUCTED A PUBLIC HEARING; AND (2) ADOPTED RESOLUTION NO. 2016-09-13-4, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ESTABLISHING AND ADOPTING UPDATED DEVELOPMENT PROCESSING FEES AND OTHER CITY RATES, CHARGES, AND USER FEES FOR VARIOUS GOVERNMENTAL SERVICES, BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER GILBERT.
APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).**

6. ADMINISTRATIVE REPORTS

6.1 City Manager

The City Manager gave no Administrative Reports.

6.2 Public Services Director/City Engineer**6.2.1 WINTER HOLIDAY BANNER INSTALLATION**

Director of Public Services/City Engineer Rosenfield briefly reviewed the information provided in the Staff Report and responded to City Council requests for additional information.

A MOTION WAS MADE TO DEFER CONSIDERATION OF THE INSTALLATION OF WINTER HOLIDAY BANNERS ON VARIOUS ARTERIAL HIGHWAYS UNTIL THE EVALUATION AND ADOPTION OF THE NEXT BIENNIAL BUDGET, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH. FAILED BY A VOTE OF 2-2 (MAYOR PRO TEMPORE SEDGWICK AND MAYOR KOGERMAN VOTING NO.)

A SUBSTITUTE MOTION WAS MADE TO INSTALL WINTER HOLIDAY BANNERS ON THE SAME POLES AND LOCATIONS MATCHING THE CURRENT PATRIOTIC BANNER INSTALLATION LOCATIONS ALONG PASEO DE VALENCIA FROM EL TORO ROAD TO ALICIA PARKWAY AND ALONG ALICIA PARKWAY FROM PASEO DE VALENCIA TO MOULTON PARKWAY, BY M/MAYOR KOGERMAN, S/MAYOR PRO TEMPORE SEDGWICK. FAILED BY A VOTE OF 2-2 (COUNCIL MEMBER CARRUTH AND COUNCIL MEMBER GILBERT VOTING NO.)

Mayor Kogerman requested City Council's approval to request staff to look into discretionary funds that might be available to enhance holiday decorating at the Community Center this year and discuss funding for future holiday decorations during the adoption of the next biennial budget.

7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR

There were no matters agendized and presented by City Council Members and Mayor.

8. CITY COUNCIL MEMBER COMMENTS**COUNCIL MEMBER CARRUTH**

Council Member Carruth reported that the Orange County Taxpayers Association nominated the Transportation Corridor Agency for a "Rose" as part of the "Roses & Radishes" event which was held on September 8, 2016. Council Member Carruth also reminded everyone in attendance that "The 91 Weekend Shift" repaving began last weekend and is scheduled to occur over 10 weekends. Council Member Carruth also announced that Get Moving Orange County will be holding a second public forum on Wednesday, October 5, 2016, at 5:30 p.m. at St. Andrews by the Sea in San Clemente.

MAYOR PRO TEMPORE SEDGWICK

Mayor Pro Tempore Sedgwick announced that the Orange County Fire Authority approved a Memorandum of Understanding with the Firefighters Association for a four-year term and reviewed a few of the key points.

MAYOR KOGERMAN

Mayor Kogerman made reference to a letter received from the City of Santa Ana seeking the City's assistance and support for homeless services by the County of Orange and which requested the adoption of a Resolution or Letter of Support. There was no support from the City Council to return with a Resolution.

Mayor Kogerman also referred to a petition received by the City Council with over 4,000 signatures gathered in an effort to prevent the Orange County Mosquito and Vector Control District from spraying pesticides over the County via aircraft. Mayor Kogerman reported that there has been no decision to spray at this time.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Kogerman declared the meeting adjourned at 9:22 p.m.

MELISSA AU-YEUNG, CITY CLERK

ATTEST:

BARBARA D. KOGERMAN, MAYOR

APPROVED AT MEETING OF OCTOBER 11, 2016.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: October 11, 2016
TO: Mayor and Council Members
FROM: Donald J. White
Assistant City Manager
ISSUE: Approval of Warrant Register for Period Ended October 11, 2016

RECOMMENDATION: That the City Council Approve the Warrant Register in the Amount of \$1,274,456.99.

ATTACHMENTS:

- Warrant Register 101116



City of Laguna Hills City Council Meeting Agenda Staff Report

DATE: OCTOBER 11, 2016
TO: MAYOR AND COUNCIL MEMBERS
FROM: DONALD J. WHITE, ASSISTANT CITY MANAGER
ISSUE: APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED OCTOBER 11, 2016.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$1,274,456.99.

SUMMARY:

In accordance with Government Code Section 37202, the attached Warrant Register reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies and attests to its accuracy and the availability of funds for the payment thereof. These warrants are hereby submitted to the City Council for approval of payment.

Prepared by:

JANICE MATEO REYES
Finance Manager

Certified:


DONALD J. WHITE
Assistant City Manager

10-4-16
DATE

FISCAL IMPACT:

The warrant register total is \$1,274,456.99.

ATTACHMENTS:

1. Warrant Register

Check Register Report

Warrant Register 10/11/16

Date: 10/03/2016
Time: 9:08 am
Page:

3.3.a

CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amou
UNION BANK- GENERAL Checks							
8811571	09/07/2016	Printed		P-1729	PACIFIC TECHNOLOGIC SYSTEMS	Hardware Support, Aug '16	3,358.0
8811572	09/08/2016	Printed		A-0331	AT&T MOBILITY	Wireless Service, Aug '16	63.3
8811573	09/08/2016	Printed		A-0304	AU-YEUNG, MELISSA	Travel Reimb, ICSC, Sep '16	23.1
8811574	09/08/2016	Printed		B-0276	BANK OF AMERICA	Departmental Expenditure, Aug	15,243.9
8811575	09/08/2016	Printed		C-1168	CAPITAL ONE COMMERCIAL	Costco, Program Expense, CS	371.6
8811576	09/08/2016	Printed		C-1146	CYBERSOURCE CORPORATION	Gateway Expense, Aug '16	29.0
8811577	09/08/2016	Printed		E-0504	EL TORO WATER DISTRICT	Final Bill for Water Meter	4.1
8811578	09/08/2016	Printed		M-1302	MOULTON NIGUEL WATER DISTRICT	Water Usage, Pub Svcs, Aug	21,963.6
8811579	09/08/2016	Printed		N-1486	NOLAN'S BALLOON SCULPTING	Special Event Expense, PS	240.0
8811580	09/08/2016	Printed		P-1804	PATROL ONE	Security for Schez & Bahena	742.0
8811581	09/08/2016	Printed		R-1889	REFUND,FACILITY RENTAL DEPOSIT	Martinea, V# 2003884.002	500.0
8811582	09/08/2016	Printed		R-1889	REFUND,FACILITY RENTAL DEPOSIT	Nat'l Charity L.,V#2003886.002	325.0
8811583	09/08/2016	Printed		S-1902	SAN DIEGO GAS & ELECTRIC	ST Lites, TC, Aug '16	13,888.7
8811584	09/08/2016	Printed		S-1904	SOUTHERN CALIFORNIA EDISON	ST Lites, TC, Aug '16	661.4
8811585	09/08/2016	Printed		S-2250	SPARKLETT'S	Operating Supplies, CS, Aug 16	92.9
8811586	09/08/2016	Printed		T-2693	TELEPACIFIC COMMUNICATIONS	Communications Expense, Sep	1,203.6
8811587	09/08/2016	Printed		V-2249	US BANK VOYAGER FLEET SYS	Vehicle Fuel, Aug '16	2,031.1
8811588	09/08/2016	Printed		V-2224	VERIZON WIRELESS	Communication Expense, Aug '16	1,739.1
8811589	09/08/2016	Printed		W-2441	WEST COAST MOVEMENT PROJECT,	Contract Inst Svcs., Dance	14,324.1
8811590	09/15/2016	Printed		A-0359	ANDERSON PENNA PARTNERS, INC.	Inspection Services, Aug '16	8,027.5
8811591	09/15/2016	Printed		B-0304	BEE MAN, THE	Bee Removal, Pub Svcs, Aug	300.0
8811592	09/15/2016	Printed		B-0411	BUCKNAM & ASSOCIATES, INC.	Update Pavement Mgmt System	1,310.0
8811593	09/15/2016	Printed		C-0408	CARL WARREN & COMPANY	Processing Fee, Sml Claims Aug	1,371.0
8811594	09/15/2016	Printed		C-1180	CIVIL SOURCE, INC.	NPDES Permit Inspections, Jul	2,156.0
8811595	09/15/2016	Printed		C-0455	CNC ENGINEERING	Professional Services, CIP#171	9,608.7
8811596	09/15/2016	Printed		C-1041	COCHRAN, GAIL	Mileage Reimb., Gen Gov, Sep	19.4
8811597	09/15/2016	Printed		C-1139	COMPLETE OFFICE OF CALIFORNIA	Computer, Office&Operating Sup	271.3
8811598	09/15/2016	Printed		C-1176	COMPUTER SERVICE CO.	Traffic Sig. Maint, Aug '16	8,918.4
8811599	09/15/2016	Printed		C-0023	COX COMMUNICATION	WiFi Svcs, Com Ctr, Sep '16	130.0
8811600	09/15/2016	Printed		D-0561	DOCU-TRUST	Offsite Data Storage, Aug '16	65.0
8811601	09/15/2016	Printed		D-0552	DUNBAR ARMORED, INC.	Courier Fee, Armored Trans,Sep	125.6
8811602	09/15/2016	Printed		E-0595	ECLIPSE MESSENGER SERVICE, INC	Delivery Service, Aug '16	25.7
8811603	09/15/2016	Printed		E-0554	ECONOMICS, INC.	Prof Svcs, Recycling Program	4,729.4
8811604	09/15/2016	Printed		E-0593	EISENBERG, DALE	Contract Inst Svcs., Aikido	738.5
8811605	09/15/2016	Printed		G-0788	GAIL MATERIALS, INC.	Professional Svcs, CIP# 238	3,147.5
8811606	09/15/2016	Printed		I-0942	IRVINE RANCH WATER DISTRICT	Water Usage, Public Svcs, Aug	162.8
8811607	09/15/2016	Printed		J-1057	JAMEY CLARK, INC.	Park Repair & Graffiti Removal	1,136.7
8811608	09/15/2016	Printed		J-1057	JAMEY CLARK, INC.	Park Repairs, Aug '16	1,290.0
8811609	09/15/2016	Printed		L-1240	LEAGUE OF CAL CITIES	Employee Training, Gen Gov	150.0
8811610	09/15/2016	Printed		M-1529	MERCURY DISPOSAL SYSTEM, INC.	Battery & Lightbulb Recycle	189.8
8811611	09/15/2016	Printed		M-1584	MUNI SERVICES	Professional Svcs, CAFR	2,150.0
8811612	09/15/2016	Printed		N-1474	NIEVES LANDSCAPE, INC.	Monthly Landscape, Sep '16	76,149.4
8811613	09/15/2016	Printed		O-1546	OFFICE SOLUTIONS	Office/Operating Supplies	333.3
8811614	09/15/2016	Printed		O-1552	ORANGE COUNTY FIRE AUTHORITY	Fire Fees Collected, SR 205131	707.0
8811615	09/15/2016	Printed		O-1500	ORANGE COUNTY REGISTER	Subscription, CH, 9-18-12/18	296.2
8811616	09/15/2016	Printed		R-1964	REFUND, COMMUNITY DEV FEES	H. Lai, Permit Refund	95.0
8811617	09/15/2016	Printed		R-1964	REFUND, COMMUNITY DEV FEES	Davenport Ptds, C&D Deposit	1,919.7
8811618	09/15/2016	Printed		R-1890	REFUND, FACILITY RENTAL FEE	M. Rosales, V# 2003843.002	58.0
8811619	09/15/2016	Printed		R-1889	REFUND,FACILITY RENTAL DEPOSIT	L. Rios, V# 2003897.002	500.0

Attachment: Warrant Register 101116 (1093 : Approval of Warrant Register for Period Ended October 11, 2016)

Check Register Report

Warrant Register 10/11/16

Date:

3.3.a

Time:

9:08 am

Page:

CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK- GENERAL Checks							
8811620	09/15/2016	Printed		R-1889	REFUND,FACILITY RENTAL DEPOSIT	V. Janampa, V# 2003896.002	500.0
8811621	09/15/2016	Printed		R-1889	REFUND,FACILITY RENTAL DEPOSIT	M. Velez, V# 2003899.002	500.0
8811622	09/15/2016	Printed		R-1813	RPW SERVICES, INC.	Rodent Control, Pub Svcs, Aug	1,560.0
8811623	09/15/2016	Printed		S-1902	SAN DIEGO GAS & ELECTRIC	ST Lites, TC, Aug '16	289.7
8811624	09/15/2016	Printed		S-1949	SMART & FINAL	Office & Program Supp. CH & CC	463.6
8811625	09/15/2016	Printed		S-2253	SOCAL OFFICE TECHNOLOGIES-LEAS	Lease-Copier, CC, Sep '16	1,062.3
8811626	09/15/2016	Printed		S-1904	SOUTHERN CALIFORNIA EDISON	Street Lights, Aug '16	8,239.8
8811627	09/15/2016	Printed		S-2220	SPORTS FIELD SERVICES	Professional Svcs, CIP # 238B	8,645.0
8811628	09/15/2016	Printed		S-1980	STATE DEPARTMENT OF JUSTICE	Pre-employment Fingerprinting	32.0
8811629	09/15/2016	Printed		S-2201	SUNSET PROPERTY SERVICES	Street Sweeping, Jul - Aug '16	21,530.4
8811630	09/15/2016	Printed		T-2663	THE ACTIVE NETWORK	Hardware, Scanner	314.8
8811631	09/15/2016	Printed		T-2639	TURF STAR, INC.	Maint, Utility Cart, CC, Aug	378.5
8811632	09/15/2016	Printed		U-2165	UNDERGROUND SERVICE ALERT	Street Maintenance, Aug '16	82.5
8811633	09/15/2016	Printed		U-2164	UNITED SITE SERVICES OF CA.	Program Expense, Summer Camp	350.8
8811634	09/15/2016	Printed		U-2163	USA DANCE, INC., OC CHAP #4018	Contract Inst Svcs, Dancing	28.0
8811635	09/15/2016	Printed		W-2441	WEST COAST MOVEMENT PROJECT,	Contract Inst Svcs., Dance	210.0
8811636	09/15/2016	Printed		W-2300	WHITE, DONALD	Travel Advance, LOCC	150.0
8811637	09/20/2016	Printed		T-2696	TCS NETWORK CONSULTING, INC.	Computer Hardware, Sep '16	33,836.5
8811638	09/22/2016	Printed		A-0311	ALLIANT INSURANCE SERVICES	Difference in Conditions Ins	44,900.0
8811639	09/22/2016	Printed		C-0023	COX COMMUNICATION	T-1 Line CC, Signal System,Sep	902.5
8811640	09/22/2016	Printed		K-1197	KNIGHT, EDWARD	Professional Svcs, Com Dev,Aug	3,618.7
8811641	09/22/2016	Printed		S-2276	SEDGWICK, DON	Travel Reimb, ICSC, Aug '16	158.1
8811642	09/29/2016	Printed		A-0130	AAA AWARDS & MONOGRAMMING	Operating Supplies, Pol Svcs	30.7
8811643	09/29/2016	Printed		A-0363	ACCELA, INC.	Agenda Software, Aug - Sep '16	3,024.0
8811644	09/29/2016	Printed		A-0360	ARC DOCUMENT SOLUTIONS, LLC	Printing Services, CIP # 241	20.4
8811645	09/29/2016	Printed		A-0331	AT&T MOBILITY	Wireless Service, Sep '16	63.3
8811646	09/29/2016	Printed		A-0309	AT&T- CALNET 2	Traf Sig, PS, Alarm, CC, Sep	90.0
8811647	09/29/2016	Printed		C-0412	C&D ELECTRIC, INC.	Park Repairs, Pub Svcs, Sep	424.7
8811648	09/29/2016	Printed		C-1133	CALIFORNIA YELLOW CAB	Senior Mobility Program, Aug	2,970.0
8811649	09/29/2016	Printed		C-1177	CANON FINANCIAL SERVICES, INC.	Lease - Copier, Gen Gov, Sep	221.4
8811650	09/29/2016	Printed		C-1022	CDW GOVERNMENT, INC.	Computer Software, Gen'l Gov	725.0
8811651	09/29/2016	Printed		C-1144	CHARLES ABBOTT ASSOCIATES, INC	Road & Landscape Maint, Aug	145,012.0
8811652	09/29/2016	Printed		C-1139	COMPLETE OFFICE OF CALIFORNIA	Computer, Office&Operating Sup	2,150.4
8811653	09/29/2016	Printed		C-1176	COMPUTER SERVICE CO.	Traffic Sig. Maint, Aug '15	4,667.7
8811654	09/29/2016	Printed		C-0023	COX COMMUNICATION	T-1 Line, Wi-Fi & Cable, CH	533.6
8811655	09/29/2016	Printed		D-0461	DATA TICKET, INC.	Processing Fee, Park Cit, Aug	555.2
8811656	09/29/2016	Printed		E-0595	ECLIPSE MESSENGER SERVICE, INC	Delivery Service, Sep '16	25.7
8811657	09/29/2016	Printed		E-0593	EISENBERG, DALE	Contract Inst Svcs., Aikido	150.5
8811658	09/29/2016	Printed		E-0553	ELKINS, CHRISTINA	Contract Inst Svcs., Dance	1,870.4
8811659	09/29/2016	Printed		G-0844	GREEN MART, INC.	Operating Supplies, Pub Svcs	1,134.0
8811660	09/29/2016	Printed		H-0805	HARRINGTON GEOTECH ENGINEERING	Professional Svcs, Farmer Boys	303.0
8811661	09/29/2016	Printed		H-0934	HOME DEPOT	Program Supplies, CS, Aug-Sep	70.4
8811662	09/29/2016	Printed		J-1057	JAMEY CLARK, INC.	Park Repair & Graffiti Removal	452.5
8811663	09/29/2016	Printed		C-1007	LAW ENFORCEMENT	FingerprintID Sys, Comm Sys	848.1
8811664	09/29/2016	Printed		C-1007	LAW ENFORCEMENT	Law Enforcement Svcs, Sep '16	622,444.2
8811665	09/29/2016	Printed		C-0448	LUCY, STEVEN	Program Expense, CS, 10/21/16	500.0
8811666	09/29/2016	Printed		M-1552	MARTIN-RUSK, DINA	Contract Instr Svcs, Zumba	883.4
8811667	09/29/2016	Printed		M-1388	MOBILE MINI, INC.	Storage Rental, CC, 9/13-10/10	83.16

Attachment: Warrant Register 101116 (1093 : Approval of Warrant Register for Period Ended October 11, 2016)

Check Register Report

Warrant Register 10/11/16

3.3.a

Date: 10/09/2016

Time: 9:08 am

Page:

CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK- GENERAL Checks							
8811668	09/29/2016	Printed		M-1302	MOULTON NIGUEL WATER DISTRICT	Water Usage, CC, Pub Svcs	7,117.5
8811669	09/29/2016	Printed		O-1546	OFFICE SOLUTIONS	Office/Operating Supplies	689.5
8811670	09/29/2016	Printed		O-1575	ORANGE COUNTY REGISTER-FREEDOM	Legal Advertising, Aug '16	360.0
8811671	09/29/2016	Printed		P-1788	PACK, DWAYNE	Program Expense, 1/2 Marathon	1,150.0
8811672	09/29/2016	Printed		R-1830	RALPHS GROCERY COMPANY	Program Expense, CS, Aug '16	58.4
8811673	09/29/2016	Printed		R-1964	REFUND, COMMUNITY DEV FEES	J. Ivery, C&D Deposit	393.6
8811674	09/29/2016	Printed		R-1964	REFUND, COMMUNITY DEV FEES	G&W Plumbing, Permit	321.0
8811675	09/29/2016	Printed		R-1855	RICHARD FISHER ASSOCIATES	Prof. Svcs, CIP# 241 & 410	3,359.3
8811676	09/29/2016	Printed		R-1967	RUSSELL, RICHARD WYATT	Contract Inst Svcs, Tennis	1,011.2
8811677	09/29/2016	Printed		S-1902	SAN DIEGO GAS & ELECTRIC	ST Lites, TC, Jun, Jul, Aug	53,408.9
8811678	09/29/2016	Printed		S-1904	SOUTHERN CALIFORNIA EDISON	ST Lites, TC, Aug, Sep '16	2,416.1
8811679	09/29/2016	Printed		S-2250	SPARKLETT'S	Operating Supplies, CS, Sep 16	97.9
8811680	09/29/2016	Printed		S-2282	STOVER SEED COMPANY	Professional Svcs, CIP # 238B	3,391.2
8811681	09/29/2016	Printed		T-2663	THE ACTIVE NETWORK	Hardware, Scanner	314.8
8811682	09/29/2016	Printed		U-2163	USA DANCE, INC., OC CHAP #4018	Contract Inst Svcs, Dancing	168.0
8811683	09/29/2016	Printed		V-2251	VIZUAL SYMPHONY, INC.	Maint Contract, Civic Center	7,323.6
8811684	09/29/2016	Printed		W-2337	WEST COAST ARBORISTS, INC.	Tree Trimming, Aug '16	27,381.0
8811685	09/29/2016	Printed		W-2441	WEST COAST MOVEMENT PROJECT,	Contract Inst Svcs., Dance	194.6
8811686	09/29/2016	Printed		W-2302	WEST PUBLISHING CORPORATION	Subscription, City Clk, Aug	207.2
8811687	09/29/2016	Printed		W-2439	WESTAMERICA COMMUNICATIONS, INC	City Views, Fall Issue	8,190.0
8811688	09/29/2016	Printed		W-2438	WILLDAN FINANCIAL SERVICES	Professional Svcs, Fee Study	2,576.0
8811689	09/29/2016	Printed		R-1801	WOODRUFF, SPRADLIN & SMART	Professional Svcs, Legal, Aug	33,666.0
8811690	09/29/2016	Printed		X-2400	XEROX CORPORATION	Copier Lease & Usage, Aug '16	764.9

Total Checks: 120

Checks Total (excluding void checks): 1,274,456.9

Total Payments: 120

Bank Total (excluding void checks): 1,274,456.9

Total Payments: 120

Grand Total (excluding void checks): 1,274,456.9

Attachment: Warrant Register 101116 (1093 : Approval of Warrant Register for Period Ended October 11, 2016)



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: October 11, 2016

TO: Mayor and Council Members

FROM: Kenneth H. Rosenfield P.E.
Director of Public Services/City Engineer

ISSUE: Progress Payment No. 2, Final, for Laguna Hills Community Center and Sports Complex Turf Renovation Project, CIP No. 238-B

RECOMMENDATION: That the City Council Approve Progress Payment No. 2, Final, in the Net Amount of \$8,645.00 to Sports Field Services for Laguna Hills Community Center and Sports Complex Turf Renovation Project, CIP No. 238-B, and Authorize the Filing of the Notice of Completion and Subsequent Release of Retention in 35 Days, if No Liens Have Been Filed.

SUMMARY:

Work on the Laguna Hills Community Center and Sports Complex Turf Renovation Project, CIP No. 238-B, began on July 5, 2016, and has been completed by Sports Field Services. Work performed in August included ballfield renovation at Cabot Park and turf maintenance. The project has been completed. It is proposed to approve Progress Payment No. 2, final, and record a Notice of Completion to allow for the release of retention in 35 days, if no liens are filed.

Progress Payment No. 2, Final, CIP No. 238-B

October 11, 2016

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BACKGROUND:

A routine monthly action for capital improvement projects is the submission, review, and approval of the contractor's invoice. Procedurally, field staff verifies the contractor's quantities and matches them with the submitted invoice. The unit prices and total costs of the project are confirmed by the office staff and a progress payment is then processed. A five-percent (5%) retention is withheld from each payment to assure final performance of the work. The contractor for this project, Sports Field Services, has submitted the second, and final, progress payment for the subject project as follows:

ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	\$ AMOUNT
7	Turf Maintenance	1	LS	\$1,000.00	\$1,000.00
9	Change Order #1 Cabot Infield Renovations	Lump Sum			\$8,100.00

TOTAL TO DATE	\$82,300.00	
LESS PRIOR BILLING	\$73,200.00	
TOTAL THIS PERIOD	\$9,100.00	\$9,100.00
LESS 5% RETENTION		\$(455.00)
DUE		\$8,645.00

FISCAL IMPACT:

The progress payment is within the Capital Improvement Program Budget for the Laguna Hills Community Center and Sports Complex Turf Renovation Project, CIP No. 238-B.

ATTACHMENTS:

- Notice of Completion

Recording Requested by and
When Recorded Mail to:

Melissa Au-Yeung, City Clerk
City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653

No Fee Exempt per GC§27383

By: _____

NOTICE OF COMPLETION

Notice is hereby given that the following public improvements have been completed and accepted by the City Council of the City of Laguna Hills on October 11, 2016.

Description of Improvements

Laguna Hills Community Center and Sports Complex Turf Renovation Project, CIP No. 238-B, including temporary fencing, clearing and grubbing, fine grading, sod installation, irrigation installation and repairs, and turf maintenance.

General Location

25555 Alicia Parkway, Laguna Hills, CA 92653

Owner of Property Address

City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653

Contractor

Sports Field Services
8 Clydesdale Drive
Ladera Ranch, CA 92694

This Notice of Completion is executed under authority of a directive from the City Council of the City of Laguna Hills.

I, Kenneth H. Rosenfield, P.E., declare under penalty of perjury that I am the City Engineer of the City of Laguna Hills, that I am familiar with the facts stated in the foregoing Notice of Completion executed for and on its behalf, and that I have read the foregoing Notice of Completion and know the contents thereof to be true.

Dated: October 11, 2016

Kenneth H. Rosenfield, P.E., Director of Public Works/City Engineer
City of Laguna Hills



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: October 11, 2016

TO: Mayor and Council Members

FROM: Melissa Au-Yeung
City Clerk

ISSUE: Government Code Section 66006-Development Impact Fees Annual Report

RECOMMENDATION: That the City Council Approve the Development Impact Fees Annual Report Pursuant to Government Code Section 66006.

SUMMARY:

The City of Laguna Hills has three types of development impact fees that can be assessed on development projects: Public Art Fees, Traffic Mitigation Fees, and Quimby Act Fees. According to Section 66006 of the California Government Code, public agencies are required to submit certain annual reports upon the collection of development impact fees.

BACKGROUND:

AB 1600, as provided for in Section 66006 of the Government Code, regulates how public agencies collect, maintain, and spend development impact fees imposed on developers for the purpose of defraying costs of public facilities. It includes specific requirements for accounting, spending, and annually reporting the fees. It also includes requirements for findings or refunds if fees remain unspent for five or more years after receipt.

The following fees collected by the City have been identified as fees subject to the above-mentioned requirements: Public Art Fees, Traffic Mitigation Fees, and Quimby Act Fees.

Accordingly, Section 66006 requires the following information be made available to the public in an annual report:

- A. A brief description of the type of fee in the account or fund;
- B. The amount of the fee;
- C. The beginning and ending balance of the account or fund;
- D. The amount of the fees collected and interest earned;
- E. Identification of each public improvement on which fees were expended and the total amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the fees;
- F. Identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, and the public improvement remains incomplete;
- G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan; and
- H. The amount of any refunds made pursuant to Section 66001(e) and the amount of any allocations pursuant to Section 66001(f).

In addition to the requirements of Section 66006, Section 66008 provides that a local agency shall expend a fee for public improvements solely and exclusively for the purpose for which it is collected. The fee may not be levied, collected, or imposed for general revenue purposes.

Government Code Section 66006-Development Impact Fees Annual Report

October 11, 2016

Page 3

The annual report with the required findings is included as an attachment to this Staff Report. As detailed within the report, no Quimby Act Fees were collected in Fiscal Year 2015-2016; however, \$5,981.92 in interest accrued on the Quimby Act Fee fund balance. No fees were expended or collected for the Traffic Mitigation Fees or Public Art Fees funds. The Public Art Fees fund balance as of June 30, 2016, was \$(227,254.19). Since the Public Art Fees fund has a negative balance, the General Fund will subsidize the fund and be reimbursed as Public Art Fees are collected. The entire balance of the Quimby Act Fees fund were expended on park and recreational facilities related CIP Projects as detailed in Exhibit A, leaving a fund balance of \$0.

Section 66001(d) specifies that every fifth fiscal year following the first deposit into the account, the following finding must be made with respect to the unexpended portion of the funds: (1) identify the purpose to which the fee is to be put; (2) demonstrate a reasonable relationship between the fee and the purpose for which it is charged; (3) identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; and (4) designate the approximate dates on which the funding referred to in (3) is expected to be deposited into the appropriate account or fund. The fifth year findings are not required due to the fact that the received funds have been expended in a timely manner.

Pursuant to Section 66006, the annual report must be made available to the public and be reviewed by the City Council at a regularly scheduled meeting not less than 15 days after the information is made available to the public. A copy of this report was available at the City Clerk's office on September 26, 2016, thereby satisfying the law's requirement that the report be available to the public by that date. The Building Industry Association (BIA) received an advance copy of this report by that date as well.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

- Exhibit A - 2015-2016 Development Impact Fees Annual Report

Exhibit A

**City of Laguna Hills
Annual Report on Development Impact Fees
Pursuant to Government Code Section 66006
Fiscal Year 2015-2016**

		Public Art Fees*	Traffic Mitigation Fees	Quimby Fees
Revenues:				
	Fees	\$0	\$0	\$0
	Interest	\$0	\$0	\$5,981.92
	Misc Revenue	\$0	\$0	\$0
	Total Revenue	\$0	\$0	\$5,981.92
Expenditures:		\$0	\$0	\$0
	Total Expenditures	\$0	\$0	\$(1,413,328.12)
Transfers In/Out		\$0	\$0	\$0
Change in Fund Balance		\$0	\$0	\$(1,407,346.20)
Beginning Fund Balance, July 1		\$(227,254.19)	\$0	\$1,407,346.20
Ending Fund Balance, June 30		\$(227,254.19)	\$0	\$0

*The adoption of the Urban Village Specific Plan in November 2002 included a public art component whereby all new developments with a total compensation cost of \$250,000 or more are required to provide public art, or contribute to a Public Art Fund as part of their project. The minimum value for the Public Art component or in-lieu fee is equal to one-half percent (0.5%) of the total costs of the project. Permissible use of fee revenue include: the artist fee for design and fabrication, mountings and bases for installation of the artwork, and lighting that is integral to the artwork.

ANNUAL REPORT ON DEVELOPMENT IMPACT FEES FY 2015-2016

The Laguna Hills City Council has adopted three development impact fees: Public Art Fees, Traffic Mitigation Fees, and Quimby Act Fees. Pursuant to Section 66006 of the California State Government Code, it is required that the City annually publish summary information regarding each development impact fee.

Type of Fee

There are currently three types of development impact fees in the City of Laguna Hills:

- **Public Art Fees:** This fee provides funding for Public Art throughout the Urban Village, thereby enhancing the cultural and aesthetic environment of the City and to encourage creativity, education, and the appreciation of the arts.
- **Traffic Mitigation Fees:** This fee provides funding for additional or improved traffic signal, operation, and infrastructure improvements for which the need is generated by new development within the Urban Village.
- **Quimby Act Fees:** This fee provides funding for additional or improved park and/or recreation facilities improvements for which the need is generated by new development within the City.

Amount of Fee

The amounts of the development impact fees are shown below:

- **Public Art Fees:**
The minimum amount for the public art component or in-lieu fees shall be required of all new developments with a total construction cost of \$250,000 or more pursuant to the following formula:

$$\text{TCC} \times 0.005 = \text{Value of Public Art of In-Lieu Fee}$$

TCC = Total construction costs of the project (building permit valuation)

0.005 = Minimum value shall be 0.5% of total construction costs

- **Traffic Mitigation Fees:**
The fee shall be three thousand nine hundred fourteen dollars (\$3,914.00) per each new PM peak hour trip as determined by the City Engineer based upon a traffic study.
- **Quimby Act Fees**
The amount of land or in-lieu fees to be dedicated shall be determined pursuant to the following formula:

$$A = \underline{5.0(DU \times PPD)}$$

$$1,000$$

$$\text{In-Lieu Fee: } A \times \text{FMV}$$

A = acres required to be dedicated as parkland

5.0 = Park acreage standard for the City

DU = Number of proposed dwelling units

FMV = Fair Market Value

PPD = Number of persons per dwelling unit as applicable for the subdivision and type of dwelling units to be constructed

Beginning and Ending Balances of Funds

The beginning and ending balances of each of the fee accounts are shown in the table below. The ending balance was arrived at by adding the fees collected and interest earned to each account, and then subtracting the expenditures.

Balances	Public Art Fees	Traffic Mitigation Fees	Quimby Fees
Beginning Balance (7/1/2015)	\$(227,254.19)	\$0	\$1,407,346.20
Ending Balance (6/30/2016)	\$(227,254.19)	\$0	\$0

The Public Art Fund shows a negative balance because more money has been spent on projects funded by these fees than has been collected. General Fund money was used to pay the difference, and as Public Art Fees are collected, they will be used to reimburse the General Fund. For Fiscal Year 2015-2016, no Public Art Fees were collected. The Quimby Fees fund earned \$5,981.92 in interest for a total balance of \$1,413,328.12 before being expended (see "Expenditures" section below).

Fees Collected and Interest Earned

The table below shows the amount of fees collected and interest earned.

Balances	Public Art Fees	Traffic Mitigation Fees	Quimby Fees
Fees Collected	\$0	\$0	\$0
Interest Earned	\$0	\$0	\$5,981.92

Expenditures

For this section, State law requires an identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the costs of the public improvement that was funded with fees.

Improvement	Fee Used	Amount of Fees Expended	% of Cost Funded by Fees to Date
CIP No. 239 Stockport Pk Play Eqpt	Quimby Fees	\$46,836.85	100%
CIP No. 240 ComCtr Softball Fld Improv	Quimby Fees	\$878,171.89	100%
CIP No. 241 General Park Reno	Quimby Fees	\$43,416.03	100%

CIP No. 514 Sports Complex Reno	Quimby Fees	\$444,903.35	100%
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Construction Commencement Date for Incomplete Improvements

Not applicable at this time.

Interfund Transfers and Loans

The Public Art Fund shows a negative balance because more money has been spent on projects funded by these fees than has been collected. General Fund money was used to pay the difference, and as Public Art Fees are collected, they will be used to reimburse the General Fund.

No other interfund transfers were made, nor were any collected fees loaned to another account.

Amount of Refunds

No refunds of any of these fees were made or required in FY 2015-2016.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: October 11, 2016

TO: Mayor and Council Members

FROM: Melissa Au-Yeung
City Clerk

ISSUE: Second Reading and Adoption of an Ordinance Approving and Adopting Zoning Text Amendment No. 8-16-3624, an Amendment to Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions), to Prohibit Marijuana Businesses in All Zoning Districts

RECOMMENDATION: That the City Council Adopt an Ordinance Entitled: "An Ordinance of the City of Laguna Hills, California, Adopting Zoning Code Text Amendment No. 8-16-3624 Adding Chapter 9-103, Marijuana Businesses, to the Laguna Hills Municipal Code to Prohibit All Marijuana Businesses in All Zoning Districts, including an Exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(B)(3)."

SUMMARY:

The Ordinance would amend the City's Zoning Code to update, clarify, and provide more specificity to the ban on medical marijuana dispensaries and all marijuana-related uses and activities in all zoning districts within the City.

A copy of the proposed Ordinance and the Staff Report for the introduction of the Ordinance, including attachments, are included as attachments to this report. The City Council introduced the Ordinance by a vote of 4-0-1 (Council Member Blount absent). It is in order to adopt the Ordinance.

Second Reading and Adoption of Ordinance 2016-4

October 11, 2016

Page 2

ATTACHMENTS:

- Proposed Ordinance
- September 13, 2016 Introduction to Ordinance Staff Report and Attachments

ORDINANCE NO. 2016-4

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 8-16-3624 ADDING CHAPTER 9-103, MARIJUANA BUSINESSES, TO THE LAGUNA HILLS MUNICIPAL CODE TO PROHIBIT ALL MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15061(B)(3)

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, Title 9 of the Laguna Hills Municipal Code (LHMC) establishes allowable uses of property within all zoning districts in the City; and

WHEREAS, On December 10, 2013, the City Council of the City of Laguna Hills adopted Ordinance No. 2013-2, which amended Title 9 of the LHMC (Zoning and Subdivisions) to prohibit medical marijuana dispensaries in all zoning districts within the City; and

WHEREAS, Effective January 1, 2016, the Medical Marijuana Regulation and Safety Act (MMRSA) established a comprehensive regulatory and licensing framework for the operation of marijuana businesses within the State of California. The MMRSA confirmed the authority of cities to control uses of land within their respective jurisdictions and specifically, to regulate or prohibit marijuana businesses; and

WHEREAS, This Ordinance updates, clarifies, and provides more specificity to the City's existing ban on marijuana businesses in all zoning districts within the City; and

WHEREAS, This Ordinance is a City-initiated zoning text amendment subject to Chapter 9-90 of the LHMC; and

WHEREAS, The City Council of the City of Laguna Hills has held a duly noticed public hearing and considered public comments and written and oral information and testimony presented by City staff, community residents, and other interested parties at a public hearing held on September 13, 2016.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The City Council of the City of Laguna Hills hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. The findings which support approval of the proposed zone text amendment set forth in this Ordinance have been met and made as follows:

- (1) That the amendment is consistent with the intent of the goals and policies of the general plan as a whole, and is not inconsistent with any element thereof.

Marijuana businesses are not contemplated land uses in the General Plan and prohibiting the establishment and/or operation of marijuana businesses in all zoning districts of the City is necessary and appropriate to maintain and protect the public health, safety and general welfare of the City as a whole. This Ordinance clarifies that marijuana businesses of any kind are prohibited in all zoning districts in the City. Marijuana businesses are not allowed by the current General Plan and Development Code. Adoption of this Ordinance maintains the current consistency with the General Plan and between the General Plan and the Development Code.

- (2) That the amendment is necessary to prescribe reasonable controls and standards for affected land uses to insure compatibility and integrity of those uses with other established uses.

Marijuana businesses are not currently allowed in any zoning district within the City. This Ordinance clarifies and provides greater specificity to the City's current ban on such uses and activities, and continues to ensure that land uses in all zoning districts within the City are and remain compatible with established uses in City's respective zoning district.

- (3) That the amendment is necessary to provide reasonable property development rights while protecting environmentally sensitive land uses and species.

This Ordinance does not affect or have a negative impact upon property development rights, nor does it affect or have a negative impact upon environmentally sensitive land uses and/or species, in that the Ordinance merely clarifies and provides further specificity to the City's existing land use provisions

which do not allow for any marijuana businesses within any zoning district in the City.

- (4) That amendment is necessary to correct discrepancies in standards or policies within the plan area or land use category.

This Ordinance clarifies and provides further specificity to the City's existing land use provisions which do not allow any marijuana businesses within any zoning district in the City. By adding a Chapter to Title 9 of the Laguna Hills Municipal Code dedicated to regulations related to marijuana businesses and related uses and activities, the Ordinance provides for easy identification by members of the public searching for the City's regulations on such businesses and related uses and activities.

- (5) That amendment is necessary to protect the general health, safety, or general welfare of the community as a whole.

The Ordinance clarifies, confirms and provides greater specificity to the City's existing land use provisions which do not allow any marijuana businesses within any zoning district in the City. The continued prohibition of such uses in all zoning districts will ensure that none of the negative secondary effects of marijuana businesses will adversely impact the general welfare of the City as a whole.

SECTION 4. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions) is hereby amended by adding a new Chapter 9-103 (Marijuana Businesses) to read as follows:

“9-103.010 Purpose.

In order to protect and promote the public health, safety, and welfare of the residents and businesses within the City, the declared purpose of this chapter is to prohibit all marijuana businesses and related uses and activities as stated in this chapter.

9-103.020 Definitions.

In addition to any other definitions contained in the Municipal Code and in this Title, the following words and phrases shall, for the purpose of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the Municipal Code or this Title, these definitions shall prevail.

“Identification Card” shall mean a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.

“Marijuana” shall have the same meaning as the term “cannabis” as that term is defined by California Business & Professions Code section 19300.5(f) [effective January 1, 2016]. If the definition under State law is amended, the City’s definition shall be as amended. “Marijuana” shall also mean any “cannaboid” as defined by Business & Professions Code section 19300.5(e), “cannabis concentrate” as defined by Business & Professions Code section 19300.5(g), “edible cannabis product” as defined by Business & Professions Code section 19300.5(s), “manufactured cannabis” as defined by Business & Professions Code section 19300.5(ac), “medical cannabis” as defined by Business & Professions Code section 19300.5(af), and “topical cannabis” as defined by Business & Professions Code section 19300.5(al), as those sections exist as of January 1, 2016 or as amended thereafter.

“Marijuana Business” shall mean any activity, whether or not carried out for commercial gain, which involves cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, transportation, distribution, or sale of marijuana or any marijuana-infused products. This definition shall include any of the foregoing activities conducted by or on behalf of a qualified patient or the primary caregiver of a qualified patient. All references in this chapter to “marijuana business,” “marijuana-related business,” or “marijuana dispensary” shall be synonymous with “medical marijuana dispensary,” “mobile marijuana dispensary,” and “marijuana cultivation site,” which are defined in this section.

“Marijuana Dispensary” shall mean any dispensary, facility, cooperative, club, individual, business, group, collective, establishment or other association with a storefront or mobile retail outlet where marijuana, in any form, is transferred to any person, firm, corporation, association, club, society, or other organization, regardless of whether that activity is undertaken on a for-profit or non-profit basis, or any combination thereof, and regardless of whether the activity is for compensation or is gratuitous.

“Mobile Marijuana Dispensary” shall mean any Marijuana Dispensary, facility, cooperative, club, individual, business, group, collective, establishment or other association with or without a storefront or mobile retail outlet, which engages in the transportation or delivery of marijuana or any marijuana-infused products. For purposes of this chapter, “delivery” shall mean the transfer of marijuana or other marijuana-infused products from a marijuana dispensary or a marijuana testing laboratory to any person, firm, corporation, association, club, society, or other organization, including, but not limited to, any owner, manager, proprietor, employee, volunteer, or salesperson, and shall also include the use by a marijuana dispensary of any technology platform owned and controlled by the dispensary that enables any person or entity to arrange for, or facilitate the transfer of marijuana or any marijuana-infused products.

“Marijuana Cultivation Site” shall mean any location, whether indoor or outdoor, where marijuana is planted, grown, harvested, dried, cured, graded, or trimmed, or upon which all or any combination of those activities occurs.

“Primary Caregiver” shall mean an individual, designated by a Qualified Patient or by a person with an Identification Card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person.

“Physician” shall mean an individual who possesses a recognition in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient’s medical record the physician’s assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.

“Qualified Patient” shall mean a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have an identification card issued by the State Department of Health Services.

9-103.030 Marijuana Businesses Prohibited.

A. It is unlawful for any person or entity to own, manage, conduct or operate any Marijuana Business, or to participate as an employee, contractor, agent, volunteer, or in any other capacity, in any Marijuana Business in the City of Laguna Hills. Further, it is unlawful for the owner of any property located within the City to in any way authorize or permit use of their property for purposes of operation of any Marijuana Business.

B. Marijuana Dispensaries and Marijuana Businesses are prohibited land uses in every zoning district within the City.

C. Mobile Marijuana Dispensaries are prohibited from delivering and/or transporting marijuana to any location in every zoning district in the City, regardless of the location of the primary place of business of the Mobile Marijuana Dispensary or of the location where delivery of marijuana originated.

D. Marijuana Cultivation Sites are prohibited from operating in every zoning district in the City. It is unlawful for any person or entity to own, manage, conduct or operate any Marijuana Cultivation Site, or to participate as an employee, contractor, agent, volunteer, or in any other capacity, in any Marijuana Cultivation Site in the City.

E. No Certificate of Use and Occupancy, zoning clearance, or other permit or entitlement for use shall be legally valid if issued to any Marijuana Business proposed to operate or to be established in the City.

9-103.040 Public Nuisance Declared.

Operation of any Marijuana Business within the City in violation of the provisions of this chapter is hereby declared a public nuisance and may be abated by all available means.

9-103.050 Use or Activity Prohibited by State or Federal Law.

Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any State or Federal law.

9-103.060 Violations.

Any owner, operator, manager, employee, independent contractor, associate, or volunteer of a Marijuana Business who violates, or any such person or entity that permits, or aids in the violation of, any of these provisions regulating Marijuana Businesses, which shall include, but not be limited to, property owners and/or property managers of the real property where such Marijuana Business is conducted, shall be subject to all remedies available under Chapter 1-32 of this Code, as well as be subject to any and all available civil or administrative remedies as may be available under local, state, or federal law. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

9-103.070 Regulations not Exclusive.

The provisions of this chapter regulating Marijuana Businesses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council of the City of Laguna Hills.”

SECTION 5. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions), Chapter 9-10 (Zoning Districts Established), and Table 9-10.050 (Land Use Matrix) is hereby amended by removing the use “Medical marijuana Dispensary” and adding “Marijuana Business” as a prohibited use in all zoning districts:

**Table 9-10.050
LAND USE MATRIX**

A	Accessory Use
C	Conditional Use
SUP	Special Use Permit
P	Permitted Use
S	Site Development Permit Required
T	Temporary Use
♦	Special Requirements
•	Prohibited Use
U	See Urban Village Specific Plan
L	See Laguna Hills Planned Community Development Plan and Text

Land Use	Zones	
		Estate Residential (ER)
		Low Density Residential (LDR)
		Medium Low Density Residential (MLDR)
		Medium Density Residential(MDR)
		High Density Residential (HDR)
		Office Professional (OP)
		Village Commercial (VC)
		Freeway Commercial (FC)
		Community Commercial (CC)
		Mixed Use (MXU)
		Neighborhood Mixed Use (NMU)
		Community/Private Institution (C/PI)
		Open Space-1 (OS-1) Parks
		Open Space-2 (OS-2)/ Drainage Facilities
		Open Space-3 (OS-3)/Landscape Corridors
		Planned Community (PC)
		Planned Community Residential (PCR)
		Reference

SECTION 6. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions), Chapter 9-04 (Definitions), Section 9-04.130 (“M” Definitions), is hereby amended by adding a definition for “Marijuana Business” to read as follows:

“*“Marijuana business”* means any activity, whether or not carried out for commercial gain, which involves cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, transportation, distribution, or sale of marijuana or any marijuana-infused products. This definition shall include any of the foregoing activities conducted by or on behalf of a qualified patient or the primary caregiver of a qualified patient. All references in this Section to “marijuana business,” “marijuana-related business,” or “marijuana dispensary” shall be synonymous with “medical marijuana dispensary,” “mobile marijuana dispensary,” and “marijuana cultivation site,” which are defined in Chapter 9-103.”

SECTION 7. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions), Chapter 9-04 (Definitions), Section 9-04.130 (“M” Definitions), is hereby amended by removing the definition of “medical marijuana dispensary”.

SECTION 8. This Ordinance shall take effect on November 11, 2016, the 31st day following the adoption of this Ordinance by the City Council.

SECTION 9. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Laguna Hills Municipal Code.

SECTION 10. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 11. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED this 13th day of September 2016.

BARBARA D. KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No.2016-4 was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 13th day of September 2016, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council held on the 11th day of October 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

Attachment: Proposed Ordinance (1089 : Second Reading and Adoption of Ordinance 2016-4)



City of Laguna Hills City Council Meeting Agenda Staff Report

DATE: SEPTEMBER 13, 2016

TO: MAYOR AND COUNCIL MEMBERS

FROM: DAVID CHANTARANGSU, AICP
COMMUNITY DEVELOPMENT DIRECTOR

ISSUE: ZONING TEXT AMENDMENT NO. 8-16-3624, AN AMENDMENT TO TITLE 9 OF THE LAGUNA HILLS MUNICIPAL CODE (ZONING AND SUBDIVISIONS), TO PROHIBIT MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS

RECOMMENDATION: THAT THE CITY COUNCIL: (1) CONDUCT A PUBLIC HEARING; AND (2) INTRODUCE FOR FIRST READING, READ BY TITLE ONLY, AND WAIVE FURTHER READING, AN ORDINANCE ENTITLED: "AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 8-16-3624 ADDING CHAPTER 9-103, MARIJUANA BUSINESSES, TO THE LAGUNA HILLS MUNICIPAL CODE TO PROHIBIT ALL MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15061 (B)(3)."

SUMMARY:

In 2013 the Laguna Hills Municipal Code (LHMC) was amended in order to expressly ban the establishment and operation of medical marijuana dispensaries, which constitute a unique land use arising out of the Compassionate Use Act, the Medical Marijuana Program Act, and related state actions, regulations, and policies. The 2013 marijuana dispensary ban was adopted after the California Supreme Court affirmed the authority of cities to ban medical marijuana dispensaries from all zoning districts. This ban has been effective at keeping dispensaries from operating in the City.

New legislation went into effect on January 1, 2016, that creates a state-wide regulatory and licensing scheme for all medical marijuana business activities. The legislation, known as the Medical Marijuana Regulation and Safety Act (MMRSA), confirmed the right of cities to regulate and/or ban marijuana businesses but initially required cities desiring to ban or regulate cultivation of marijuana to have an ordinance in place by March 1, 2016. Further, the MMRSA requires cities who wish to ban delivery of marijuana to locations in their respective jurisdictions to expressly adopt ordinances to that effect. The Orange

County Sheriff's Department urged all of its contracted cities to ensure that their codes meet the requirements of the MMRSA to expressly ban cultivation and delivery. Staff and the City Attorney's office reviewed the City's current policies and confirmed that the current LPMC regulations banning medical marijuana dispensaries include a ban on cultivation and delivery. Accordingly, the City did not need to amend or update its regulations by March 1, 2016. Moreover, "cleanup" legislation to the MMRSA was adopted in early 2016 which removed the March 1, 2016, deadline that was originally contained within the MMRSA.

Although there is nothing in the most recent legislation that requires an update to the City's current regulations, staff is recommending an update to the Zoning Code to update, clarify, and provide more specificity to the ban on medical marijuana dispensaries and all marijuana-related uses and activities in all zoning districts within the City, and to update definitions within the LPMC such that they are consistent with the definitions contained within the newly enacted MMRSA.

BACKGROUND:

The current ban on medical marijuana dispensary uses is contained within two separate Chapters of the Zoning and Subdivisions Code. Chapter 9-04 (Definitions) defines Medical Marijuana Dispensary (LPMC §9-04.130). Chapter 9-10, and specifically Table 9-10.150 (Land Use Matrix), identifies a medical marijuana dispensary as a prohibited use in all zoning districts. The current provisions have provided an effective ban on medical marijuana dispensaries since 2013. As stated above, staff is recommending the proposed Ordinance to clarify and provide more specificity to the ban on medical marijuana dispensaries and all marijuana-related uses and activities in all zoning districts within the City. The proposed Ordinance will do this by defining additional terminology related to marijuana businesses, and related uses and activities, and prohibiting those businesses, uses, and activities including, but not limited to, mobile marijuana dispensaries and marijuana cultivation sites. Further, the proposed Ordinance broadly defines "marijuana business" so as to prohibit not only marijuana "businesses" but any other marijuana related uses and activities as well. The proposed Ordinance declares the operation of a marijuana business a public nuisance, which provides the City additional avenues to pursue nuisance abatement under state and local law. Finally, the proposed Ordinance also makes it a violation of the LPMC for property owners to, in any way, allow use of their property for purposes of conducting any marijuana business.

Specifically, the proposed Ordinance would create a new chapter, Chapter 9-103, Marijuana Businesses, within Title 9 of the LPMC and would also add "Marijuana Business" to the list of definitions in Chapter 9-04.130, and to the tables in Chapter 9-10.050, to indicate that it is a prohibited land use or activity in all zoning districts.

By placing regulations for Marijuana Businesses in its own Chapter within the Code, the proposed Ordinance provides for easy identification by members of the public searching for the City's regulations on medical marijuana dispensaries or other marijuana-related businesses, uses, and activities. An additional advantage to the proposed new Chapter is that it allows for greater detail on the City's ban and provides a suitable chapter for any desired updates should a statewide recreational marijuana law pass in the future.

FISCAL IMPACT:

There is no fiscal impact to the City resulting from adoption of an Ordinance to add a chapter to the LHMC banning Marijuana Businesses in all zoning districts.

CEQA FINDINGS:

Environmental review is not required under the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly. Zoning Code Text Amendment No. 8-16-3624 does not authorize any changes to the environment but merely clarifies that marijuana businesses are prohibited in all zoning districts in the City.

ATTACHMENTS:

- Draft Ordinance

ORDINANCE NO. 2016 -

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 8-16-3624 ADDING CHAPTER 9-103, MARIJUANA BUSINESSES, TO THE LAGUNA HILLS MUNICIPAL CODE TO PROHIBIT ALL MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15061(B)(3)

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, Title 9 of the Laguna Hills Municipal Code (LHMC) establishes allowable uses of property within all zoning districts in the City; and

WHEREAS, On December 10, 2013, the City Council of the City of Laguna Hills adopted Ordinance No. 2013-2, which amended Title 9 of the LHMC (Zoning and Subdivisions) to prohibit medical marijuana dispensaries in all zoning districts within the City; and

WHEREAS, Effective January 1, 2016, the Medical Marijuana Regulation and Safety Act (MMRSA) established a comprehensive regulatory and licensing framework for the operation of marijuana businesses within the State of California. The MMRSA confirmed the authority of cities to control uses of land within their respective jurisdictions and specifically, to regulate or prohibit marijuana businesses; and

WHEREAS, This Ordinance updates, clarifies, and provides more specificity to the City's existing ban on marijuana businesses in all zoning districts within the City; and

WHEREAS, This Ordinance is a City-initiated zoning text amendment subject to Chapter 9-90 of the LHMC; and

WHEREAS, The City Council of the City of Laguna Hills has held a duly noticed public hearing and considered public comments and written and oral information and testimony presented by City staff, community residents, and other interested parties at a public hearing held on September 13, 2016.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The City Council of the City of Laguna Hills hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. The findings which support approval of the proposed zone text amendment set forth in this Ordinance have been met and made as follows:

- (1) That the amendment is consistent with the intent of the goals and policies of the general plan as a whole, and is not inconsistent with any element thereof.

Marijuana businesses are not contemplated land uses in the General Plan and prohibiting the establishment and/or operation of marijuana businesses in all zoning districts of the City is necessary and appropriate to maintain and protect the public health, safety and general welfare of the City as a whole. This Ordinance clarifies that marijuana businesses of any kind are prohibited in all zoning districts in the City. Marijuana businesses are not allowed by the current General Plan and Development Code. Adoption of this Ordinance maintains the current consistency with the General Plan and between the General Plan and the Development Code.

- (2) That the amendment is necessary to prescribe reasonable controls and standards for affected land uses to insure compatibility and integrity of those uses with other established uses.

Marijuana businesses are not currently allowed in any zoning district within the City. This Ordinance clarifies and provides greater specificity to the City's current ban on such uses and activities, and continues to ensure that land uses in all zoning districts within the City are and remain compatible with established uses in City's respective zoning district.

- (3) That the amendment is necessary to provide reasonable property development rights while protecting environmentally sensitive land uses and species.

This Ordinance does not affect or have a negative impact upon property development rights, nor does it affect or have a negative impact upon environmentally sensitive land uses and/or species, in that the Ordinance merely clarifies and provides further specificity to the City's existing land use provisions

which do not allow for any marijuana businesses within any zoning district in the City.

- (4) That amendment is necessary to correct discrepancies in standards or policies within the plan area or land use category.

This Ordinance clarifies and provides further specificity to the City's existing land use provisions which do not allow any marijuana businesses within any zoning district in the City. By adding a Chapter to Title 9 of the Laguna Hills Municipal Code dedicated to regulations related to marijuana businesses and related uses and activities, the Ordinance provides for easy identification by members of the public searching for the City's regulations on such businesses and related uses and activities.

- (5) That amendment is necessary to protect the general health, safety, or general welfare of the community as a whole.

The Ordinance clarifies, confirms and provides greater specificity to the City's existing land use provisions which do not allow any marijuana businesses within any zoning district in the City. The continued prohibition of such uses in all zoning districts will ensure that none of the negative secondary effects of marijuana businesses will adversely impact the general welfare of the City as a whole.

SECTION 4. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions) is hereby amended by adding a new Chapter 9-103 (Marijuana Businesses) to read as follows:

“9-103.010 Purpose.

In order to protect and promote the public health, safety, and welfare of the residents and businesses within the City, the declared purpose of this chapter is to prohibit all marijuana businesses and related uses and activities as stated in this chapter.

9-103.020 Definitions.

In addition to any other definitions contained in the Municipal Code and in this Title, the following words and phrases shall, for the purpose of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the Municipal Code or this Title, these definitions shall prevail.

“Identification Card” shall mean a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person’s designated primary caregiver, if any.

"Marijuana" shall have the same meaning as the term "cannabis" as that term is defined by California Business & Professions Code section 19300.5(f) [effective January 1, 2016]. If the definition under State law is amended, the City's definition shall be as amended. "Marijuana" shall also mean any "cannaboid" as defined by Business & Professions Code section 19300.5(e), "cannabis concentrate" as defined by Business & Professions Code section 19300.5(g), "edible cannabis product" as defined by Business & Professions Code section 19300.5(s), "manufactured cannabis" as defined by Business & Professions Code section 19300.5(ac), "medical cannabis" as defined by Business & Professions Code section 19300.5(af), and "topical cannabis" as defined by Business & Professions Code section 19300.5(al), as those sections exist as of January 1, 2016 or as amended thereafter.

"Marijuana Business" shall mean any activity, whether or not carried out for commercial gain, which involves cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, transportation, distribution, or sale of marijuana or any marijuana-infused products. This definition shall include any of the foregoing activities conducted by or on behalf of a qualified patient or the primary caregiver of a qualified patient. All references in this chapter to "marijuana business," "marijuana-related business," or "marijuana dispensary" shall be synonymous with "medical marijuana dispensary," "mobile marijuana dispensary," and "marijuana cultivation site," which are defined in this section.

"Marijuana Dispensary" shall mean any dispensary, facility, cooperative, club, individual, business, group, collective, establishment or other association with a storefront or mobile retail outlet where marijuana, in any form, is transferred to any person, firm, corporation, association, club, society, or other organization, regardless of whether that activity is undertaken on a for-profit or non-profit basis, or any combination thereof, and regardless of whether the activity is for compensation or is gratuitous.

"Mobile Marijuana Dispensary" shall mean any Marijuana Dispensary, facility, cooperative, club, individual, business, group, collective, establishment or other association with or without a storefront or mobile retail outlet, which engages in the transportation or delivery of marijuana or any marijuana-infused products. For purposes of this chapter, "delivery" shall mean the transfer of marijuana or other marijuana-infused products from a marijuana dispensary or a marijuana testing laboratory to any person, firm, corporation, association, club, society, or other organization, including, but not limited to, any owner, manager, proprietor, employee, volunteer, or salesperson, and shall also include the use by a marijuana dispensary of any technology platform owned and controlled by the dispensary that enables any person or entity to arrange for, or facilitate the transfer of marijuana or any marijuana-infused products.

"Marijuana Cultivation Site" shall mean any location, whether indoor or outdoor, where marijuana is planted, grown, harvested, dried, cured, graded, or trimmed, or upon which all or any combination of those activities occurs.

“Primary Caregiver” shall mean an individual, designated by a Qualified Patient or by a person with an Identification Card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person.

“Physician” shall mean an individual who possesses a recognition in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient’s medical record the physician’s assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.

“Qualified Patient” shall mean a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have an identification card issued by the State Department of Health Services.

9-103.030 Marijuana Businesses Prohibited.

A. It is unlawful for any person or entity to own, manage, conduct or operate any Marijuana Business, or to participate as an employee, contractor, agent, volunteer, or in any other capacity, in any Marijuana Business in the City of Laguna Hills. Further, it is unlawful for the owner of any property located within the City to in any way authorize or permit use of their property for purposes of operation of any Marijuana Business.

B. Marijuana Dispensaries and Marijuana Businesses are prohibited land uses in every zoning district within the City.

C. Mobile Marijuana Dispensaries are prohibited from delivering and/or transporting marijuana to any location in every zoning district in the City, regardless of the location of the primary place of business of the Mobile Marijuana Dispensary or of the location where delivery of marijuana originated.

D. Marijuana Cultivation Sites are prohibited from operating in every zoning district in the City. It is unlawful for any person or entity to own, manage, conduct or operate any Marijuana Cultivation Site, or to participate as an employee, contractor, agent, volunteer, or in any other capacity, in any Marijuana Cultivation Site in the City.

E. No Certificate of Use and Occupancy, zoning clearance, or other permit or entitlement for use shall be legally valid if issued to any Marijuana Business proposed to operate or to be established in the City.

9-103.040 Public Nuisance Declared.

Operation of any Marijuana Business within the City in violation of the provisions of this chapter is hereby declared a public nuisance and may be abated by all available means.

9-103.050 Use or Activity Prohibited by State or Federal Law.

Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any State or Federal law.

9-103.060 Violations.

Any owner, operator, manager, employee, independent contractor, associate, or volunteer of a Marijuana Business who violates, or any such person or entity that permits, or aids in the violation of, any of these provisions regulating Marijuana Businesses, which shall include, but not be limited to, property owners and/or property managers of the real property where such Marijuana Business is conducted, shall be subject to all remedies available under Chapter 1-32 of this Code, as well as be subject to any and all available civil or administrative remedies as may be available under local, state, or federal law. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

9-103.070 Regulations not Exclusive.

The provisions of this chapter regulating Marijuana Businesses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council of the City of Laguna Hills."

SECTION 5. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions), Chapter 9-10 (Zoning Districts Established), and Table 9-10.050 (Land Use Matrix) is hereby amended by removing the use "Medical marijuana Dispensary" and adding "Marijuana Business" as a prohibited use in all zoning districts:

**Table 9-10.050
LAND USE MATRIX**

A	Accessory Use
C	Conditional Use
SUP	Special Use Permit
P	Permitted Use
S	Site Development Permit Required
T	Temporary Use
♦	Special Requirements
•	Prohibited Use
U	See Urban Village Specific Plan
L	See Laguna Hills Planned Community Development Plan and Text

Land Use	Zones
	Estate Residential (ER)
	Low Density Residential (LDR)
	Medium Low Density Residential (MLDR)
	Medium Density Residential (MDR)
	High Density Residential (HDR)
	Office Professional (OP)
	Village Commercial (VC)
	Freeway Commercial (FC)
	Community Commercial (CC)
	Mixed Use (MXU)
	Neighborhood Mixed Use (NMIU)
	Community/Private Institution (C/PI)
	Open Space-1 (OS-1) Parks
	Open Space-2 (OS-2)/ Drainage Facilities
	Open Space-3 (OS-3)/Landscape Corridors
	Planned Community (PC)
	Planned Community Residential (PCR)
	Reference
Marijuana business	•
Medical-marijuana-dispensary	•

SECTION 6. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions), Chapter 9-04 (Definitions), Section 9-04.130 ("M" Definitions), is hereby amended by adding a definition for "Marijuana Business" to read as follows:

"Marijuana business" means any activity, whether or not carried out for commercial gain, which involves cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, transportation, distribution, or sale of marijuana or any marijuana-infused products. This definition shall include any of the foregoing activities conducted by or on behalf of a qualified patient or the primary caregiver of a qualified patient. All references in this Section to "marijuana business," "marijuana-related business," or "marijuana dispensary" shall be synonymous with "medical marijuana dispensary," "mobile marijuana dispensary," and "marijuana cultivation site," which are defined in Chapter 9-103."

SECTION 7. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions), Chapter 9-04 (Definitions), Section 9-04.130 ("M" Definitions), is hereby amended by removing the definition of "medical marijuana dispensary".

SECTION 8. This Ordinance shall take effect on _____, 2016, the 31st day following the adoption of this Ordinance by the City Council.

SECTION 9. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Laguna Hills Municipal Code.

SECTION 10. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 11. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2016.

BARBARA D. KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No. _____ was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the _____ day of _____ 2016, and that thereafter, said Ordinance

Ordinance No. 2016-x

was duly adopted and passed at a Regular Meeting of the City Council held on the _____ day of _____ 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

Laguna Hills, California



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: October 11, 2016
TO: Chair and Agency Members
FROM: Cindy Sands
Admin. Assistant to City Manager
ISSUE: Approval of Minutes for September 13, 2016, Regular Meeting

RECOMMENDATION: That the Planning Agency Approve the Minutes of the September 13, 2016, Regular Meeting.

ATTACHMENTS:

- PA Minutes 091316

4. PLANNING AGENCY

Mayor Kogerman recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:19 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Kogerman, Vice Chair Sedgwick, Agency Member Carruth, Agency Member Gilbert

Absent: Agency Member Blount

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR AUGUST 23, 2016, REGULAR MEETING

THE PLANNING AGENCY APPROVED THE MINUTES OF THE AUGUST 23, 2016, REGULAR MEETING, BY M/VICE CHAIR SEDGWICK, S/AGENCY MEMBER CARRUTH. APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BLOUNT ABSENT).

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS

4.5.1 CONDITIONAL USE PERMIT/SITE DEVELOPMENT PERMIT/VARIANCE (CUP/SDPM/VA) NO. 2-16-3436, A REQUEST BY HC&D ARCHITECTS, INC., ON BEHALF OF IBRA FARMS RESTAURANTS, INC., TO REDEVELOP THE PROPERTY AT 23952 AVENIDA DE LA CARLOTA IN THE VILLAGE COMMERCIAL ZONE INCLUDING DEMOLITION OF THE EXISTING VACANT RESTAURANT BUILDING AND CONSTRUCTION AND OPERATION OF A NEW FARMER BOYS DRIVE-THRU RESTAURANT

Katie Crockett, Assistant Planner, reviewed the information provided in the Staff Report, provided a brief PowerPoint presentation, and responded to Planning Agency requests for additional information. Director of Public Services/City Engineer Rosenfield also responded to questions regarding traffic flow.

Chair Kogerman opened the Public Hearing.

Dan Hinson, Project Architect, spoke in favor of the project.

Chair Kogerman closed the Public Hearing.

THE PLANNING AGENCY: (1) CONDUCTED A PUBLIC HEARING; AND (2) ADOPTED RESOLUTION NO. PA2016-09-13-1, A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT/SITE DEVELOPMENT PERMIT/VARIANCE (CUP/SDPM/VA) NO. 2-16-3436, A REQUEST BY HC&D ARCHITECTS, INC. ON BEHALF OF IBRA FARMS RESTAURANTS, INC. TO REDEVELOP THE PROPERTY AT 23952 AVENIDA DE LA CARLOTA IN THE VILLAGE COMMERCIAL ZONE INCLUDING DEMOLITION OF THE EXISTING VACANT RESTAURANT BUILDING AND CONSTRUCTION AND OPERATION OF A NEW FARMER BOYS DRIVE-THRU RESTAURANT, BY M/AGENCY MEMBER GILBERT, S/VICE CHAIR SEDGWICK. APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BLOUNT ABSENT).

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council meeting at 7:59 p.m. All Council Members were present with the exception of Council Member Blount.

5. CITY COUNCIL PUBLIC HEARINGS

- 5.1 ZONING TEXT AMENDMENT NO. 8-16-3624, AN AMENDMENT TO TITLE 9 OF THE LAGUNA HILLS MUNICIPAL CODE (ZONING AND SUBDIVISIONS), TO PROHIBIT MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS

City Attorney Simonian reviewed the information provided in the Staff Report.

Mayor Kogerman opened the Public Hearing and upon seeing no one rise closed the Public Hearing.

THE CITY COUNCIL: (1) CONDUCTED A PUBLIC HEARING, AND (2) INTRODUCED FOR FIRST READING, READ BY TITLE ONLY, AND WAIVED FURTHER READING, AN ORDINANCE ENTITLED: "AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 8-16-3624 ADDING CHAPTER 9-103, MARIJUANA BUSINESSES, TO THE LAGUNA HILLS MUNICIPAL CODE TO PROHIBIT ALL MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS, INCLUDING AN EXEMPTION FROM THE



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: October 11, 2016
TO: Mayor and Council Members
FROM: Donald J. White
Assistant City Manager
ISSUE: 2015-17 Biennial Budget Mid-Cycle Review

RECOMMENDATION: That the City Council Receive and File the Report.

Following the close of Fiscal Year 2015-16, staff has prepared a mid-cycle budget review. This review reports the actual results from Fiscal Year 2015-16 compared to budget and provides a projection of financial results for Fiscal Year 2016-17 given condition changes and updated assumptions from when the budget was adopted in June 2015. This review also presents a revised 8-Year Resource Allocation Plan. The City Council is not being requested to make any decision at this time. This report is intended to provide the City Council with the results of Fiscal Year 2015-16 and as a point of reference for budget deliberations in the spring.

BACKGROUND:

The City recently completed its 2015-16 Fiscal Year, which marks the mid-way point of the 2015-17 Biennial Budget. The purpose of this report is to provide the City Council with a review of the results of the 2015-16 Fiscal Year, updated estimates for the current 2016-17 Fiscal Year, and revised financial projections going forward. The report is organized under the following sections:

- Section 1: Fiscal Year 2015-16 Actual versus Budget
- Section 2: Capital Improvement Projects (CIP) Budget Update
- Section 3: Budget Carry-Over from Fiscal Year 2015-16 to Fiscal Year 2016-17

Section 4: Updated 8-Year Resource Allocation Plan

Section 1: Fiscal Year 2015-16 Actual versus Budget

Table 1 shows Actual versus Budget for operating expenditures and revenues recorded in Fiscal Year 2015-16.

Table 1

	2015-16 Budget	2015-16 Actuals	Variance Positive/(Negative)	Actual as a % of Budget
Personnel	4,918,341	4,775,283	143,058	97%
Maintenance & Operations	2,182,017	2,117,655	64,362	97%
Contract/Professional Services	11,090,988	10,461,994	628,994	94%
Capital Outlay	392,740	180,113	212,627	46%
Total Operating Expenditures	18,584,086	17,535,045	1,049,041	94%
Debt Service	1,801,387	1,803,428	(2,041)	100%
Total Operating Revenues	21,397,256	21,374,143	(23,113)	100%
Operating Surplus/(Deficit)	1,011,783	2,035,670	1,025,928	
Operating Ratio	1.05	1.11		

The total operating expenditures of \$17,535,045 came in below budget by 6%, or \$1,049,041. This positive variance is largely a result of the following:

- The actual cost for County Law Enforcement Contract Services in Fiscal Year 2015-16 came in lower than budget by \$436,047, due to vacancy and overtime credits. In addition, \$45,000 in overtime budgeted for traffic enforcement was not spent.
- Of the \$260,475 budgeted in capital outlay for the County Police 800 MHz equipment upgrade, only \$124,300 was spent in Fiscal Year 2015-16, resulting in the balance of the project to carry into Fiscal Year 2016-17.

- Of the \$205,192 budgeted in capital outlay and professional services for IT related projects, approximately only \$80,000 was expended, resulting in the balance of IT projects to carry into Fiscal Year 2016-17. The carryover will cover updating the server infrastructure, upgrading the Public Services Department GIS system, and updating the public WIFI access points at both the Civic Center and Community Center.
- Personnel costs came in below budget by \$143,058 as a result of changes in staffing levels within the Community Development Department, a vacancy during recruitment for the Associate Engineer and Management Analyst positions, an unfilled Administrative Intern position, lower than projected participation in the medical coverage plan, and the increase in medical premiums coming in below projected.
- Legal services for general counsel and litigation came in below budget by roughly \$61,000, as a result of lower than projected utilization for legal counsel and litigation services.

While total operating revenues essentially met expectations at \$21,374,143, sales tax revenues came in below projections by about \$400,000, or 6%, largely due to declining sales related to the redevelopment at Five Lagunas (formerly Laguna Hills Mall) and the drop in fuel prices. The lower than expected sales tax revenues were offset by higher than expected revenues in building fees by roughly \$100,000, in engineering fees by approximately \$63,000, in transient occupancy taxes by about \$150,000, and the recovery of \$120,000 received from the liable parties to offset expenses related to property damage repairs. Total revenues from property taxes came in at 100% of budget at \$9,660,613.

Despite the decline in sales tax revenues caused by the anticipated renovation at Five Lagunas, the financial results from Fiscal Year 2015-16 demonstrate that the City is showing definite economic recovery from the Great Recession, with the considerable increases in building and construction related activity, as well the up-tick in hotel travel related activity within the City.

Table 2 on the following page shows actual fund balance versus budgeted fund balances.

Table 2

	30-Jun-16		30-Jun-16	
	Budget	Ratio	Actual	Ratio
Total Fund Balance	10,914,065	59%	12,148,972	69%
Less the following fund balances:				
Reservation for Debt Service	(1,804,588)		(1,809,083)	
Non-major Governmental Funds	(1,965,503)		(2,240,598)	
Unrestricted General Fund Balance (>35%)	7,143,974	38%	8,099,291	46%
Less Assignments				
Total Capital Replacement Funds	(968,085)		(859,959)	
Insurance Reserve Funds	(200,000)		(200,000)	
Unassigned General Fund Balance (>25%)	5,975,889	32%	7,039,332	40%

Total Fund Balance of \$12,148,972 came in higher than budget by \$1,234,907. This positive variance is essentially due to the lower than anticipated cost and deferral of projects to Fiscal Year 2016-17, as discussed previously. Consequently, the Unrestricted Fund Balance ratio rose to 46%, well above the budgeted ratio of 38%, and surpassing the policy ratio of 35%. Unassigned General Fund Balance exceeded budget by \$1,063,433, producing an Unassigned General Fund Balance ratio of 40%, well over the budgeted ratio of 32% and minimum policy ratio of 25%.

Section 2: Capital Improvement Projects (CIP) Budget Update

In Fiscal Year 2015-16, the City expended \$2,277,446 on various capital improvement projects out of a \$3,347,739 amended budget. Of the \$2,277,446 expended on capital improvement projects, \$332,750 was funded by the City's General Fund, with the remaining funded in a variety of special revenues. The single largest project was the Sports Complex Softball Field Synthetic Turf Project, with a total expenditure in Fiscal Year 2015-16 of \$1,237,790, of which \$878,172 was funded from Quimby Act Fees, \$349,237 from water conservation rebates from the Municipal Water District of Orange County (MWDOC), and \$10,381 from the General Fund.

Table 3 below shows the capital improvement projects slated for the current Fiscal Year 2016-17.

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Table 3

Project No.	Project Name	2016/17 Budget	
101	Annual Street Maintenance	\$ 550,933	(b)
145	Paseo de Valencia Widening	400,000	
168	Traffic Signal Improvement Coordination	462,000	(a)
171	La Paz Road Sidewalk Widening	489,066	(a)
175	Arterial Highway Pavement Maintenance	1,241,776	(a)
238	Community Center/Sports Complex Field Renovations	200,000	(b)
301	Alicia Parkway Median	-	(b)
329	Wayfinding Signs	25,000	
403	Storm Drain/Slope Repairs	50,000	
410	NPDES / Water Quality	472,375	(a)
412	Water Quality (2) Improvements	75,000	
511	Animal Shelter	440,000	(b)
Total 2016-17 Capital Budget Budget		\$ 4,406,150	
(a)	Wholly or partially carried over from FY 2015-16		
(b)	Wholly or partially amended		

\$850,217 of unspent CIP appropriations in Fiscal Year 2015-16 have been carried over to Fiscal Year 2016-17 pursuant to Resolution No. 2015-06-09-03, which adopted the operating budget, capital improvement program, and other appropriations. These carry-over appropriations include: \$462,000 for Traffic Signal Improvement Coordination, CIP #168; \$217,375 for the Cabot Road Bioswale, CIP #410; \$99,066 for the La Paz Road Sidewalk Widening, CIP #171, and; \$71,776 for the Arterial Highway Pavement Maintenance, CIP #175.

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The 2016-17 CIP Budget was also amended to account for the City Council approved deferral of \$980,000 originally budgeted in Fiscal Year 2016-17 for the Alicia Parkway Median Landscape Rehabilitation, CIP #301, in order to offset first year costs from the new partnership for animal care and sheltering services contract with the City of Mission Viejo. Of the \$980,000 budgeted for the Alicia Parkway Median project, \$930,000 was funded by the General Fund. This project was deferred for re-consideration during the Fiscal Year 2017-19 Biennial Budget process scheduled for spring 2017. Another amendment to the 2016-17 CIP was the addition of \$440,000 in capital contribution towards the Mission Viejo Animal Shelter Improvements, CIP #511, pursuant to the new contract for animal care and shelter services. Other amendments to the 2016-17 CIP Budget include the reduction of \$179,067 for Annual Street Maintenance, CIP #101, resulting from lower gas tax revenues and a reduction of \$25,000 for capital improvements at the Community Center Sports Complex. Of the total \$4,406,150 budget, \$1,039,291 is funded by the General Fund.

Section 3: Budget Carry-over from Fiscal Year 2015-16 to Fiscal Year 2016-17

Pursuant to Resolution No. 2015-06-09-03 and the City Council's Financial Policies, all appropriations in the Operating Budget automatically carry over from the first year to the second year of the biennial budget period. Table 4 below shows a total of \$718,044 in unspent appropriations which the City Manager will use his budgetary authority to carry forward from Fiscal Year 2015-16 to Fiscal Year 2016-17.

Table 4

Account No.	Account Description	Amount	Description
100.195.690.000	General Liability & Auto Insurance	\$ 31,500	Increase in Risk Mgmt Premiums
100.195.690.100	Vehicle and Property Insurance	31,150	Increase in Risk Mgmt Premiums
100.195.940.000	Computer Hardware & Software	84,952	IT Project Initiative
100.195.700.090	Computer Consulting Services - IT Dept.	84,952	IT Project Initiative
100.355.700.090	Computer Consulting Services - PW Dept.	17,158	IT Project Initiative
100.420.720.401	Contract Services - Animal Regulation	64,000	City of Mission Viejo Animal Control Services
100.420.720.800	General Law Enforcement	288,061	County Law Enforcement Contract
100.420.910.000	Police Services Equipment & Machinery	116,271	County Sheriff 800 MHz Equipment Update
		\$ 718,044	

As discussed previously, Fiscal Year 2015-16 total operating expenditures came in below budget partially due to the deferral of projects, either in whole or in part, that have carried into Fiscal Year 2016-17. Those project deferrals include: (1) \$116,271 for the County Police 800 MHz equipment upgrade; and (2) \$187,062 for capital outlay and professional computer consulting services related IT project initiatives, specifically for the virtual server infrastructure upgrade, the Public Services Department GIS system upgrade, and updating the public WIFI access points at both the Civic Center and Community Center. The balance of the carried forward amounts from Fiscal Year 2015-16 is to offset increases to the amounts budgeted for the County Law Enforcement Contract, animal care and shelter services, and liability and property insurance coverage.

Section 4: Updated 8-Year Resource Allocation Plan

An updated 8-Year Resource Allocation Plan is attached to this report, which accounts for the actual results from Fiscal Year 2015-16 and updated financial projections for the current Fiscal Year 2016-17. Additionally, the updated 8-Year Resource Allocation Plan incorporates anticipated condition changes and assumptions. The revised 8-Year Resource Allocation Plan shows a dramatic improvement in the City's finances as a result of the approval of the redevelopment of the former Laguna Hills Mall. These are some of the more significant fiscal impacts from the Five Lagunas Project:

- Developer impact fees related to the Five Laguna renovation project will be paid over three years beginning in Fiscal Year 2017-18. Total fees generated to the City include \$15,448,368 in Quimby fees and \$2,200,000 in traffic impact fees.
- The Five Lagunas renovation project net impact to sales tax of \$700,000 is phased in over two years beginning in Fiscal Year 2018-19.
- The Five Lagunas net property tax impact of \$200,000 is phased in over two years beginning in Fiscal Year 2018-19

The following Table 5 shows the ending total fund balance of each fiscal year in the 8-Year Resource Allocation Plan and provides a comparison of the original projected ending balance from the original 2015-17 Biennial Budget 8-Year Plan to the recent updated 8-Year Plan.

2015-17 Biennial Budget Review

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Table 5
Total Fund Balance at Fiscal Year End

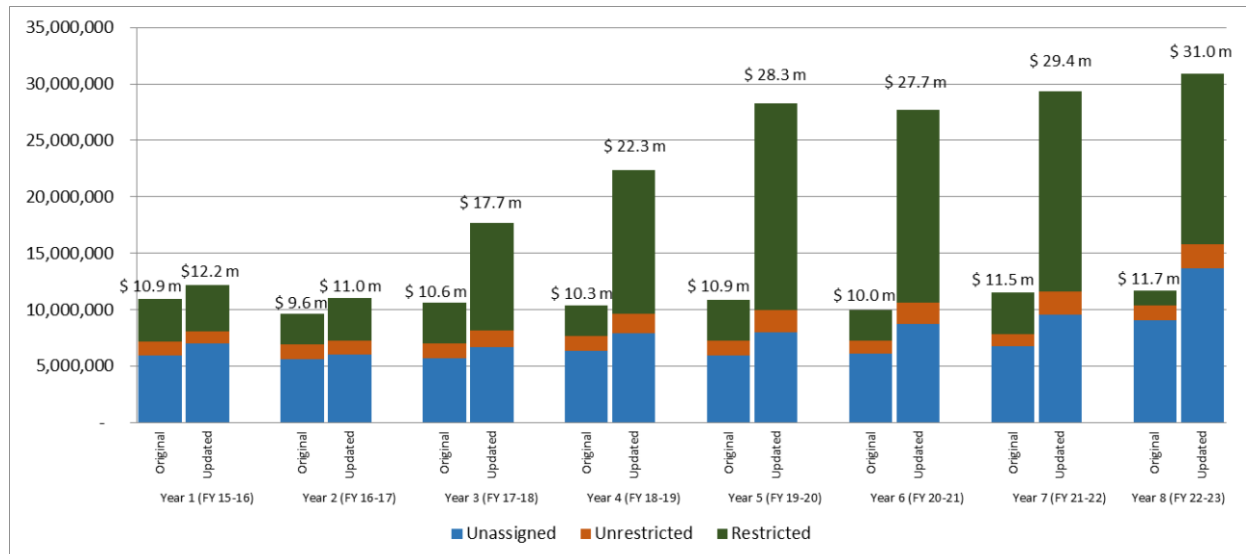
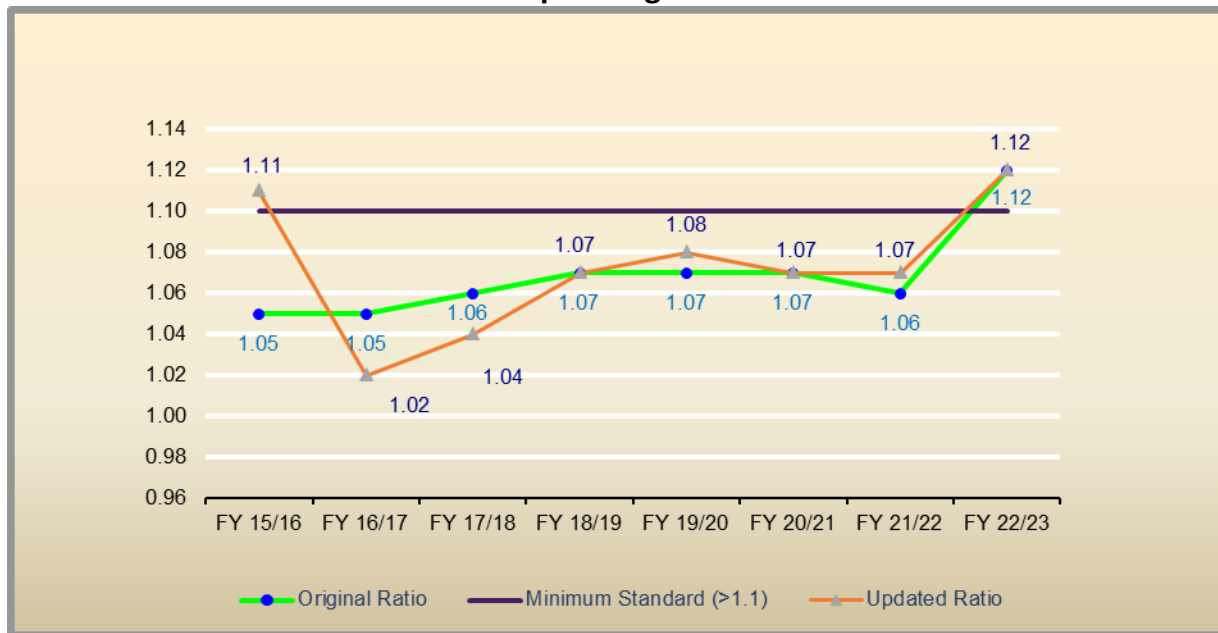


Table 5 illustrates the significant fiscal impact from the Five Lagunas Project. The most substantial increase to total fund balance is the increase in the portion of fund balance that is legally restricted. These new restricted funds represent the anticipated influx of Quimby Act in-lieu fees from the Five Lagunas Project. These funds are legally restricted for the purpose of developing new, or rehabilitating existing park or recreational facilities.

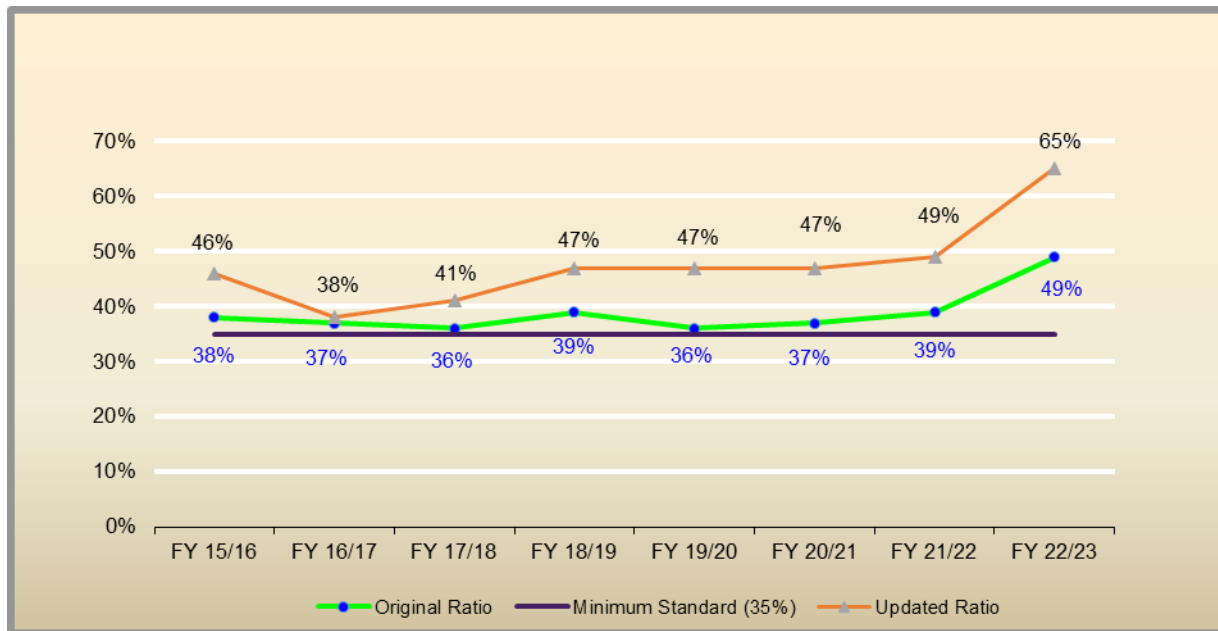
The 8-Year Plan is specifically designed to project the City's operating and reserve policy ratios over the course of the next eight years. The following three tables (Table 6, 7, and 8) show the operating ratios, unrestricted general fund balance ratios, and unassigned general fund balance ratios for each fiscal year in the 8-Year Resource Allocation Plan and provide a comparison of the original projected ratios from the original 2015-17 Biennial Budget 8-year Plan to the recent updated 8-Year Plan.

Table 6
Operating Ratio



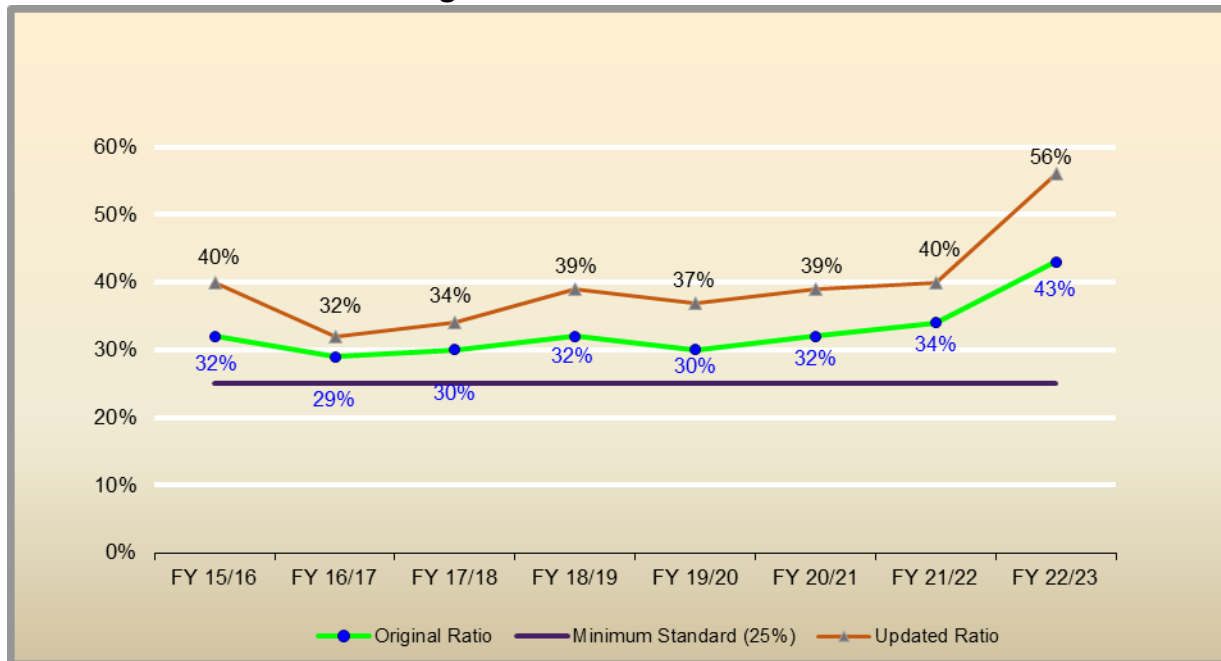
While continually striving to maintain the operating ratio minimum of 1.1, the updated operating ratio is projected to be below the minimum for the first seven years, consistent with the original 8-Year Plan. In the final year of the updated 8-year Plan, the operating ratio is 1.12, exceeding the operating ratio minimum and identical to the original 8-Year Plan. For the current and following fiscal years, Fiscal Year 2016-17 and Fiscal Year 2017-18, the updated 8-Year Plan falls below the original projected ratio. Conversely, beginning in Fiscal Year 2018-19, the updated projection begins to meet, and at times exceed, the original projection. Further, it should be noted that the average of the operating ratio for both years of the current biennial budget cycle, Fiscal Year 2015-16 and Fiscal Year 2016-17, is 1.05 and exceeds the originally projected ratio of 1.05.

Table 7
Unrestricted General Fund Balance Ratio



The unrestricted fund balance ratio is anticipated to remain above the policy minimum of 35% for all years of the 8-Year Plan, as shown in Table 7. The updated 8-year plan shows a prominent improvement from the original projection.

Table 8
Unassigned General Fund Balance Ratio



Additionally, as illustrated in Table 8, the unassigned fund balance ratio is anticipated to remain above the policy minimum of 25% for all years of the 8-Year Plan, similarly demonstrating a noticeable improvement from the original projection.

FISCAL IMPACT:

There is no fiscal impact since there is no recommended action associated with the Report. The aforementioned budgetary re-appropriations do not increase the total sum of appropriations for the Operating Budget and Capital Improvement Plan from the adopted Fiscal Year 2015-17 Biennial Budget.

ATTACHMENTS:

- 8 Year Plan - October 2016 Update

**8-Year Resource Allocation Plan
(October 11, 2016 Update)**

	1	2	3	4	5	6	7	8	
	2015-16 (ACTUALS)	2016-17 (AMENDED)	2017-18 (FORECAST)	2018-19 (FORECAST)	2019-20 (FORECAST)	2020-21 (FORECAST)	2021-22 (FORECAST)	2022-23 (FORECAST)	
1 BEGINNING TOTAL FUND BALANCE	\$11,639,013	\$12,148,972	\$11,188,643	\$17,747,014	\$22,319,680	\$28,103,701	\$27,257,025	\$28,762,593	1
2 General Fund Revenues	20,639,235	21,100,959	21,653,707	22,717,939	23,423,639	24,087,408	24,714,966	25,359,948	2
3 Special Revenues	1,386,568	3,029,433	7,672,795	6,245,228	6,670,345	990,000	990,000	990,000	3
4 Other Funding Sources	684,908	722,250	754,287	786,050	814,140	829,000	829,000	829,000	4
5 Civic Center Transfers-in	50,000	75,000	100,000	100,000	100,000	100,000	100,000	100,000	5
6 TOTAL REVENUES	\$22,760,711	\$24,927,642	\$30,180,789	\$29,849,217	\$31,008,124	\$26,006,408	\$26,633,966	\$27,278,948	6
7 Operating Expenditures	17,535,045	19,632,434	19,954,475	20,259,369	20,795,848	21,538,902	22,235,852	22,988,057	7
8 Capital Expenditures	2,277,446	4,406,150	1,202,378	2,576,300	1,717,626	2,824,654	1,000,000	2,500,000	8
9 Other Funding Uses	98,520	0	0	0	0	0	0	0	9
10 Elimination of PERS Unfunded Liability	0	0	600,000	600,000	600,000	600,000	0	0	10
11 Civic Center Transfers-out	100,000	0	0	0	0	0	0	0	11
12 Use of Reserve Funds (Civic Center/Insurances)	436,314	50,000	80,178	50,000	307,748	102,647	94,665	50,000	12
13 Debt Service	<u>1,803,428</u>	<u>1,799,387</u>	<u>1,785,387</u>	<u>1,790,881</u>	<u>1,802,881</u>	<u>1,786,881</u>	<u>1,797,881</u>	<u>389,381</u>	13
14 TOTAL EXPENDITURES	\$22,250,753	\$25,887,971	\$23,622,418	\$25,276,550	\$25,224,103	\$26,853,084	\$25,128,398	\$25,927,438	14
15 Change in Total Fund Balance	509,958	(960,329)	6,558,371	4,572,667	5,784,021	(846,676)	1,505,568	1,351,510	15
16 Ending Total Fund Balance	\$12,148,972	\$11,188,643	\$17,747,014	\$22,319,680	\$28,103,701	\$27,257,025	\$28,762,593	\$30,114,103	16
17 Less the Following Fund Balances:									17
18 Reservation for Debt Service	(\$1,809,083)	(\$1,804,588)	(\$1,804,588)	(\$1,804,588)	(\$1,804,588)	(\$1,804,588)	(\$1,804,588)	(\$389,381)	18
19 Non-Major Governmental Funds	(\$2,240,597)	(\$1,913,171)	(\$7,728,611)	(\$10,938,637)	(\$16,568,259)	(\$15,279,272)	(\$15,959,677)	(\$14,727,082)	19
20 Unrestricted General Fund Balance	\$8,099,291	\$7,470,883	\$8,213,814	\$9,576,455	\$9,730,854	\$10,173,165	\$10,998,328	\$14,997,640	20
Less the Following Designations:									
21 Total Capital Replacement Funds	(859,959)	(1,059,959)	(1,279,781)	(1,486,839)	(1,736,839)	(1,679,091)	(1,826,444)	(1,981,779)	21
22 Insurance Reserve Funds	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	22
23 Unassigned General Fund Balance	7,039,332	6,210,924	6,734,033	7,889,616	7,794,015	8,294,074	8,971,884	12,815,861	23

Ratio Analysis

24 Operating Ratio (>1.1)	1.11	1.02	1.04	1.07	1.08	1.07	1.07	1.12	24
25 Operating Surplus	2,035,670	466,388	768,132	1,553,739	1,739,049	1,690,625	1,610,233	2,911,510	25
26 Debt Service Ratio (<12%)	8%	8%	8%	8%	7%	7%	7%	1%	26
27 Total Fund Balance Ratio	69%	57%	89%	110%	135%	127%	129%	131%	27
28 Unrestricted General Fund Balance Ratio (>35%)	46%	38%	41%	47%	47%	47%	49%	65%	28
29 Unassigned General Fund Balance Ratio (>25%)	40%	32%	34%	39%	37%	39%	40%	56%	29

Reserve Policy Analysis

30 Minimum Unrestricted Fund Policy Reserve (35%)	6,137,266	6,871,352	6,984,066	7,090,779	7,278,547	7,538,616	7,782,548	8,045,820	30
31 Unrestricted Amount Over/(Under)	1,962,025	599,531	1,229,748	2,485,676	2,452,307	2,634,549	3,215,780	6,951,820	31
32 Minimum Unassigned Fund Policy Reserve (25%)	4,834,618	5,357,955	5,434,965	5,512,562	5,649,682	5,831,446	6,008,433	5,844,359	32
33 Unassigned Amount Over/(Under)	2,204,714	852,969	1,299,068	2,377,054	2,144,332	2,462,628	2,963,451	6,971,501	33