

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
December 6, 2011

Lake Forest City Hall  
25550 Commercentre Drive  
Council Chambers  
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER:

5:40 p.m.

ROLL CALL:	Council Members:	Kathryn McCullough Marcia Rudolph Scott Voigts
	Mayor Pro Tem:	Mark Tettemer Absent (Excused)
	Mayor:	Peter Herzog
	City Manager:	Robert C. Dunek
	City Attorney:	Scott C. Smith
	City Clerk:	Stephanie D. Smith

CLOSED SESSION (F: 16.3)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Existing Litigation  
Number of Cases: 5

City of Lake Forest v. Moen, et al. (Consolidated Case No. 30-2009-00298887)

City of Lake Forest v. Pharmer's Choice Collective, et al. (Case No. 30-2010-00435043)

City of Lake Forest v. World Cann Wellness Center (OCSC Case No. 30-2011-00455359)

City of Lake Forest v. 007 South County's Secret Spot (OCSC Case No. 30-2011-00497739)

City of Lake Forest v. Charles Café, et al. (OCSC Case No. 30-2011-00515872)

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of Litigation Pursuant to Government Code Section 54956.9(c)  
Number of Potential Cases: 1

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:55 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:05 p.m., with Mayor Pro Tem Tettemer absent, to continue regular City business.

#### PUBLIC SESSION

#### PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of our Country was led by Mayor Herzog.

#### CLOSED SESSION REPORT:

City Attorney stated there was no reportable action.

#### PRESENTATIONS:

3. RECOGNITION OF DEPUTY CARLOS BARRIENTOS, RECIPIENT OF THE 2011 TRAUMA INTERVENTION PROGRAM "HERO WITH HEART" AWARD submitted by City Clerk. (F: 55.5) (X: 48.8G)

ACTION: The item was continued to the January 3, 2012 City Council Meeting.

4. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED SEPTEMBER 30, 2011 submitted by Director of Finance/City Treasurer. (F: 30.10A)

ACTION: The City Council received and filed the report from Kathy V. Lai with the firm of Macias, Gini & O'Connell.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Alice Hackett, Student Liaison from El Toro High School, presented her report.

RECESS: City Council recessed at 7:15 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:18 p.m., with Mayor Pro Tem Tettemer absent to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following member of the public offered comments: Myra Spicker.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 5)

5. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 30.11)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant register in the amount of \$2,007,965.37 as submitted. MOTION CARRIED with Mayor Pro Tem Tettemer absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6 - 12)

ACTION: On motion by Council Member Rudolph and second by Council Member Voigts, the City Council approved Consent Calendar Item Nos. \*6-10. MOTION CARRIED with Mayor Pro Tem Tettemer absent.

- \*6. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved the reading by title of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- \*7. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON NOVEMBER 15, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- \*8. REQUEST FOR PROPOSAL FOR INVESTMENT OVERSIGHT REVIEWER SERVICES submitted by Director of Finance/City Treasurer. (F: 48.8E1)

ACTION: The City Council approved the Request for Proposal for Investment Oversight Reviewer Services. 2. Authorized staff to solicit and receive proposals for these services.

- \*9. APPROVAL OF MEASURE M2 EXPENDITURE REPORT submitted by Director of Finance/City Treasurer. (F: 71.12.D)

ACTION: The City Council adopted Resolution No. 2011-32 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LAKE FOREST.

- \*10. SECOND AMENDMENT TO AGREEMENT FOR SPORTS FIELD MAINTENANCE submitted by Director of Public Works/City Engineer. (F: 34.3A)

ACTION: The City Council: 1. Approved the Second Amendment to Agreement for Sports Field Maintenance with Marina Landscape, substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the Second Amendment.

#### PULLED CONSENT CALENDAR ITEMS:

11. FIRST AMENDMENT TO AGREEMENT FOR CITY HALL JANITORIAL SERVICES submitted by Director of Public Work/City Engineer. (F: 52.3A2)

Council Member Rudolph pulled this item for separate consideration. She recommended not scheduling janitorial service on the evenings when there is Council or Commission meetings.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Approved the First Amendment to the agreement for City Hall Janitorial Services with Commercial Cleaning Systems substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the First Amendment. MOTION CARRIED with Mayor Pro Tem Tetteimer absent.

12. REPORT REGARDING INTERIM URGENCY ORDINANCE NO. 222 ESTABLISHING A MORATORIUM ON PERMITS FOR THE ESTABLISHMENT AND OPERATION OF ADULT BUSINESSES PURSUANT TO GOVERNMENT CODE SECTION 65868 submitted by Director of Development Services. (F: 50.9A)

Council Member Rudolph pulled this item for separate consideration. She suggested future consideration of an Ordinance to restrict hookah bars within the City.

ACTION: On motion by Council Member Rudolph and second by Council Member Voigts, the City Council approved and issued this report regarding Interim Urgency Ordinance No. 222. MOTION CARRIED with Mayor Pro Tem Tetteimer absent.

#### DISCUSSION/ACTION ITEMS:

13. INTRODUCTION OF AN ORDINANCE PROHIBITING REGISTERED SEX OFFENDERS FROM ENTERING LAKE FOREST PARKS submitted by City Attorney. (F: 53.3B)

City Attorney Smith introduced the staff report dated December 6, 2011.

Allison Wiemann, Susan Bundy, Erin Hoskinson, Robert Curtis, Caryn Anderson, Tom Mathews, Connie Sutorius, C.J. Brower, Janice Bellucci, Marshall Burns, Jeffrey McBride, Gregory Bird, Elise Lindsay, Mandi Welty, Kelly Hagins, and Susan Schroeder offered comments.

ACTION: On motion by Mayor Herzog and second by Council Member Rudolph, the City Council introduced and approved for first reading Ordinance No. 237 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 13.12 TO TITLE 13 OF THE LAKE FOREST MUNICIPAL CODE, PROHIBITING REGISTERED SEX OFFENDERS FROM ENTERING LAKE FOREST PARKS as amended. MOTION CARRIED with Mayor Pro Tem Tetteimer absent.

RECESS: The City Council recessed at 8:25 p.m.

RECONVENE: The City Council reconvened at 8:33 p.m.

The following item was taken out of order.

16. APPOINTMENT TO THE ORANGE COUNTY VECTOR CONTROL DISTRICT submitted by Deputy City Manager/Director of Management Services. (F: 71.20) (X: 23.2)

The staff report dated December 6, 2011 was introduced.

**ACTION:** On motion by Council Member McCullough, and second by Council Member Voigts, the City Council appointed Marcia Rudolph to the Orange County Vector Control District for a four-year term commencing January 1, 2012 and expiring December 31, 2015. MOTION CARRIED with Mayor Pro Tem Tetterer absent and Council Member Rudolph abstained.

14. RECREATION CENTER CONCEPTUAL PLANS submitted by Director of Community Services. (F: 50.11)

Staff report dated December 8, 2011 was introduced.

Mr. Larry Ryan, lead architect provided a status update.

Mr. Robert Coffee, sub-architect provided an architectural overview.

**CONSENSUS:** The City Council approved the Conceptual Plans and authorized the architect to prepare construction level plans and specifications for the Lake Forest Recreation Center and two restroom/concession buildings.

15. REVIEW OF PRE-APPLICATION SUBMITTAL FOR THE PROPOSED "FOOTHILL RANCH VILLAGE" RESIDENTIAL DEVELOPMENT PROJECT submitted by Assistant City Manager. (F: 50.11)

The staff report dated December 8, 2011 was introduced.

Kate Klimow, Paul Steinberg, Dave Bartlett, Rick Goacher, James O'Malley, and Parisa Zarbafian offered comments.

**ACTION:** On motion by Council Member Rudolph and second by Council Member McCullough, the City Council requested additional information regarding the proposed project, which includes, but not limited to, more information related to public benefits, and a fiscal impact study and market demand analysis conducted by an independent

professional consultant under the guidance of City staff. Applicant will fund any additional professional studies or analyses on a deposit basis. MOTION CARRIED with Mayor Herzog opposed and Mayor Pro Tem Tettermer absent.

17. INTRODUCTION OF AN ORDINANCE AMENDING LAKE FOREST MUNICIPAL CODE CHAPTERS 2.06 AND 2.04 GOVERNING APPEALS OF CERTAIN DISCRETIONARY DECISIONS TO THE CITY COUNCIL AND PLANNING COMMISSION, CONSIDERATION OF AN AMENDMENT TO THE CITY'S FEE RESOLUTION TO CHARGE TIME AND MATERIALS FEES FOR MOST APPEALS, AND ADOPTION OF A CITY COUNCIL EX PARTE COMMUNICATIONS POLICY submitted by City Attorney. (F: 40.1)

City Attorney Smith introduced the staff report dated December 6, 2011.

ACTION: The City Council directed staff to revise the Ordinance and bring the entire matter back for Council consideration at a future meeting date.

18. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES, ASSOCIATION OF CALIFORNIA, ORANGE COUNTY AND/OR THE ORANGE COUNTY CITY SELECTION COMMITTEE submitted by City Clerk.

ACTION: The City Council made no appointments.

#### CITY COUNCIL CEREMONIAL ITEMS

19. SELECTION OF MAYOR AND MAYOR PRO TEM FOR 2012 submitted by City Clerk. (F: 26.11)

ACTION: 1. SELECTION OF MAYOR: The City Council opened nominations for Mayor; closed nominations for Mayor; and declared Council Member McCullough as Mayor for 2012. 2. SELECTION OF MAYOR PRO TEM: The City Council opened nominations for Mayor Pro Tem; closed nominations for Mayor Pro Tem; and declared Council Member Voigts as Mayor Pro Tem for 2012.

#### CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Voigts offered no comments.

Mayor Pro Tem Tetteimer was absent.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 10:30 p.m.