

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
June 19, 2012

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:

6:03 p.m.

ROLL CALL: Council Members:

Peter Herzog
Marcia Rudolph
Mark Tetteimer

Mayor Pro Tem:
Mayor:

Scott Voigts
Kathryn McCullough

City Manager:
City Attorney:
City Clerk:

Robert C. Dunek
Scott C. Smith
Stephanie D. Smith

CLOSED SESSION (F: 0410-30)

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Manager
2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor
Unrepresented employee: City Manager
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 1

City of Lake Forest v. Charles Café (OCSC Case No. 30-2011-515872)

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:52 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:05 p.m. with Council Member Tettermer absent, to continue regular City business.

PUBLIC SESSION

PLEDGE OF ALLEGIANCE:

A Boy Scout in attendance of the meeting led the Pledge of Allegiance to the Flag of our Country in the absence of Council Member Tettermer.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

There were no items scheduled for Presentation.

RECESS: City Council recessed at 7:10 p.m. for the purpose of conducting Lake Forest Housing Authority business.

RECONVENE: City Council reconvened at 8:00 p.m., with Council Member Tettermer absent to continue regular City business.

PUBLIC COMMENTS: (F: 0410-35)

The following members of the public offered comments: Mark Niebel, Lorenzo Ronquillo, Clint Grimes, Dan Fritz, Joseph Schottmiller, Ian Jaffe, and Michelle Clark.

City Manager Dunek and City Attorney Smith provided an update on the El Toro High School stadium project.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 4)

4. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 0300-30)

Council Member Rudolph pulled the following warrant for separate consideration: Rosenow Spevacek Group Incorporated.

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council approved the balance of the warrant register as submitted. MOTION CARRIED with Council Member Tetteimer absent.

Council Member Rudolph asked what funds would pay the invoice from Rosenow Spevacek Group, Inc.

City Manager Dunek reported the Oversight Board of the Successor Agency has budgeted for the remaining former Redevelopment warrants.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Voigts, the City Council approved the warrant payable to Rosenow Spevacek Group Incorporated. MOTION CARRIED with Council Member Tetteimer absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5 - 21)

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council approved the Consent Calendar Items No. *5-21. MOTION CARRIED with Council Member Tetteimer absent.

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

ACTION: The City Council approved the reading, by title only, 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.

- *6. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MAY 15, 2012 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *7. ADOPTION OF ORDINANCE NO. 244 - REPEALING CHAPTER 9.142 OF THE LAKE FOREST MUNICIPAL CODE RELATING TO DEVELOPMENT REVIEW IN THE EL TORO REDEVELOPMENT PROJECT AREA submitted by City Clerk. (F: 0660-10)

ACTION: The City Council: 1. Conducted second reading of Ordinance No. 244 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REPEALING CHAPTER 9.142 OF THE LAKE FOREST MUNICIPAL CODE RELATING TO DEVELOPMENT REVIEW IN THE EL TORO REDEVELOPMENT PROJECT AREA. 2. Adopted Ordinance No. 244.

- *8. ADOPTION OF ORDINANCE NO. 245 - AMENDING CHAPTER 13.20 OF THE LAKE FOREST MUNICIPAL CODE REGULATING CAMPING AND STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY submitted by City Clerk. (F: 0610-10)

ACTION: The City Council: 1. Conducted second reading of Ordinance No. 245 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 13.20 OF THE LAKE FOREST MUNICIPAL CODE REGULATING CAMPING AND STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY. 2. Adopted Ordinance No. 245.

- *9. MONTHLY TREASURER'S REPORT - MAY submitted by Director of Finance/City Treasurer. (F: 0320-70)

ACTION: The City Council received and filed the report as submitted.

- *10. CITY FINANCIAL REPORTS - QUARTER ENDED MARCH 31, 2012 submitted by Director of Finance/City Treasurer. (F:0300-40)

ACTION: The City Council received and filed the report as submitted.

- *11. ARTICLE XIII B APPROPRIATIONS LIMIT submitted by Director of Finance/City Treasurer. (F: 0330-60)

ACTION: The City Council adopted Resolution No. 2012-43 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2012-13 IN THE AMOUNT OF \$90,737,957.

- *12. 2012-13 RENEWAL AGREEMENT FOR LAW ENFORCEMENT SERVICES submitted by Chief of Police Services. (F: 0400-10)

ACTION: The City Council approved and authorized the Mayor to sign the agreement with the County of Orange for Law Enforcement Services for Fiscal Year 2012-13.

- *13. FIFTH AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES FOR AGENCY PERMIT PROCESSING FOR THE SPORTS PARK AND RECREATION CENTER PROJECT submitted by Director of Development Services. (F: 0400-10)

ACTION: The City Council: 1. Approved Fifth Amendment to agreement with PCR Services Corp. for Permit Processing. 2. Authorized the Mayor to sign, and the City Clerk to attest, the Fifth Amendment substantially in the form attached.

- *14. CONSTRUCTION CONTRACT AWARD FOR ADA ACCESS RAMP IMPROVEMENTS PHASE V submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Rejected all bids for construction of the ADA Access Ramp Improvements Phase V (PW 2010.01). 2. Authorized return of Bid Bonds to all Bidders. 3. Authorized staff to re-advertise the bid documents and solicit bids.

- *15. CONTRACT AWARD FOR FLEET MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Awarded a contract for an annual not-to-exceed amount of \$49,152.20 to Elite Automotive Services of Foothill Ranch for fleet maintenance services, substantially in the form attached. 2. Upon receipt of the executed contract documents from Elite Automotive, rejected all other bids received. 3. Authorized the Mayor to sign, and the City Clerk to attest, the contract with Elite Automotive Services.

- *16. ACCEPTANCE OF PUBLIC IMPROVEMENTS AND RELEASE OF BONDS FOR TRACT MAP 17336 submitted by Director of Public Works/City Engineer. (F: 0600-10)

ACTION: The City Council: 1. Accepted the public improvements constructed by KB Home Coastal, Inc., a California Corporation, for Tract Map 17336. 2. Authorized the City Clerk to release the Faithful Performance Bond and Materials and Labor Bond, each in the amount of \$319,131 for public improvements on Osterman Road and Regency Drive (Bond No. K07896888), and release the Monumentation Bond in the amount of \$62,000 (Bond No. K0789692A). 3. Authorized the City Clerk to release the Subdivision Warranty Bond one year after the

acceptance of the public improvements, and with concurrence of the Director of Public Works.

- *17. **SECOND AMENDMENT FOR SOLID WASTE AND RECYCLING AGREEMENTS WITH WASTE MANAGEMENT OF ORANGE COUNTY** submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Approved the Second Amendment to the Agreements for residential and commercial solid waste and Recycling Services with USA Waste of California, Inc., dba Waste Management of Orange County (WMOC). 2. Authorized the Mayor to sign, and the City Clerk to attest, the Second Amendments with WMOC, substantially in the form attached.

- *18. **PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR IMPLEMENTATION OF THE HOUSING REHABILITATION LOAN AND PAINT PROGRAMS** submitted by Assistant City Manager. (This item is companion to Lake Forest Housing Authority Agenda Item No. 3). (F: 0400-10)

ACTION: The City Council: 1. Approved a Professional Consultant Services Agreement ("Agreement") with Housing Rehabilitation Consulting Services to continue implementation of the Housing Rehabilitation Loan and Neighborhood Pride Paint Programs. 2. Authorized the Mayor to execute the Agreement.

- *19. **AGREEMENT TO FUND TOTAL MAXIMUM DAILY LOAD (TMDL) PROGRAMS IN THE NEWPORT BAY WATERSHED** submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Approved Agreement to Fund Nutrient, Fecal Coliform and Toxics Total Maximum Daily Load Programs in the Newport Bay Watershed (No. D11-066), substantially in the form attached. 2. Authorized the Mayor to sign and the City Clerk to attest to Agreement No. D11-066.

- *20. **BUDGETED POSITIONS FOR FISCAL YEAR 2012-13 AND CLASSIFICATION PLAN** submitted by Deputy City Manager/Director of Management Services. (F: 0510-15)

ACTION: The City Council adopted Resolution No. 2012-44 entitled: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A REVISED CLASSIFICATION PLAN AND SALARY SCHEDULE.**

- *21. PARTICIPATION IN THE PARS POST-RETIREMENT HEALTH CARE PLAN TRUST submitted by Deputy City Manager/Director of Management Services. (F: 0520-50)

ACTION: The City Council: 1. Adopted Resolution No. 2012-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING THE PARS PUBLIC AGENCIES POST-RETIREMENT HEALTH CARE PLAN TRUST AS PART OF THE CITY RETIREMENT PROGRAM, AND APPOINTING A CITY PLAN ADMINISTRATOR FOR THE PROGRAM. 2. Approved agreement with PARS for administrative services related to the set up and ongoing administration of the City of Lake Forest PARS Public Agencies Post-Retirement Health Care Plan Trust. 3. Adopted Resolution No. 2012-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2011-12.

PUBLIC HEARING(S):

22. CONSIDERATION OF INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION; TENTATIVE TRACT MAP 15594; SITE DEVELOPMENT PERMIT 2008-11 FOR THE PINNACLE AT SERRANO HIGHLANDS RESIDENTIAL DEVELOPMENT (APNS 610-201-05, 610-204-01, 610-351-08); AND STREET VACATION OF PORTIONS OF PEACHWOOD STREET PUBLIC RIGHT-OF-WAY submitted by Director of Development Services. (F: 0600-76) (X: 0600-10)

Staff report dated June 19, 2012 was introduced.

Mayor McCullough opened the Public Hearing for public comment.

Applicant Gary Emsick addressed the Council.

The following members of the public offered comments: Hamid Khorram, and Sassan Darian.

Mayor McCullough closed the public portion of the Public Hearing.

Mayor McCullough requested a roll call vote.

ACTION: On motion by Council Member Herzog and second by Council Member Rudolph, the City Council: 1. Adopted Resolution No. 2012-47 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

LAKE FOREST, CALIFORNIA, ADOPTING A SUBSEQUENT MITIGATED NEGATIVE DECLARATION FOR THE PINNACLE AT SERRANO HIGHLANDS RESIDENTIAL DEVELOPMENT. 2. Adopted Resolution No. 2012-48 entitled: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 15594 AND SITE DEVELOPMENT PERMIT 2008-11 FOR THE PINNACLE AT SERRANO HIGHLANDS RESIDENTIAL DEVELOPMENT LOCATED NORTH AND EAST OF THE PEACHWOOD/TAMARISK INTERSECTION (APN'S: 610-201-05, 610-204-01, 610-351-08); 3. Adopted Resolution No. 2012-49 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, DECLARING ITS INTENTION TO VACATE PORTIONS OF THE PUBLIC RIGHT-OF-WAY KNOWN AS PEACHWOOD STREET, INCLUDING A PORTION NORTH OF TAMARISK STREET, AND A PORTION BETWEEN PALMWOOD DRIVE AND TAMARISK STREET, AND DIRECTING THE CITY COUNCIL TO ADMINISTRATIVELY SET THE HEARING DATE, TIME, AND PLACE, AND TO PUBLISH AND POST THE REQUIRED NOTICES PURSUANT TO STREETS & HIGHWAYS CODE SECTIONS 8320 *ET SEQ.* MOTION CARRIED with Council Member Tetteimer absent.

DISCUSSION/ACTION ITEMS:

23. FISCAL YEAR 2012-13 OPERATING BUDGET submitted by Director of Finance/City Treasurer. (F: 0330-30)

Staff report dated June 19, 2012 was introduced.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council: 1. Adopted Resolution No. 2012-50 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING THE OPERATING BUDGET FOR FISCAL YEAR 2012-13. 2. Adopted Resolution No. 2012-51 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2011-12 AND THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2011-13. MOTION CARRIED with Council Member Tetteimer absent.

24. APPOINTMENT PROCESS FOR CITY COMMISSIONERS (This item was continued from the June 5, 2012 City Council Meeting) submitted by Director of Community Services. (F: 0410-20)

Staff report dated June 19, 2012 was introduced.

Mayor McCullough reviewed the intent of the agenda item.

The following members of the public offered comments: Amanda Morrell, Tim Hughes, Jerry Zechmeister, Dave Carter.

RECESS: The City Council recessed at 9:00 p.m.

RECONVENE: The City Council reconvened at 9:06 p.m., with Council Member Tetteimer absent.

Mayor McCullough asked for a roll call vote.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council retained the process for nomination and term as it currently exists making an amendment for the removal process requiring a super (four-fifths) majority vote. MOTION CARRIED with Council Member Tetteimer absent.

Mayor Pro Tem Voigts left the meeting at 9:30 p.m.

25. LEGISLATIVE AND REGULATORY MATTERS submitted by Deputy City Manager/Director of Management Services. (F: 0480-75)

ACTION: On motion by Council Member Herzog and second by Mayor McCullough, the City Council opposed Assembly Bill 904 and directed staff to forward a letter to the State in opposition. MOTION CARRIED with Mayor Pro Tem Voigts and Council Member Tetteimer absent.

26. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES, ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY AND/OR THE ORANGE COUNTY CITY SELECTION COMMITTEE submitted by City Clerk. (F: 0140-10)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 0410-37)

City Manager Dunek introduced Carlo Tomaino as the new Senior Management Analyst to the City Managers Department.

CITY COUNCIL COMMENTS: (F: 0410-36)

Council Member Herzog offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer was absent.

Mayor Pro Tem Voigts was absent.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:50 p.m.