

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
March 20, 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:

5:37 p.m.

ROLL CALL: Council Members:

Peter Herzog
Marcia Rudolph
Mark Tettemer

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

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 4

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

City of Lake Forest v. Pharmer's Choice Collective, et al. (OCSC 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. Charles Café (OCSC Case No. 30-2011-515872)

2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: City Manager
Unrepresented employee: All Employees

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8

Property: APNs 606-341-01, 606-341-03, 606-341-04, 606-341-05, 606-341-06, 606-341-07, 606-351-01, 606-161-28, 606-161-30, 606-161-31, 606-321-01, 606-321-02, 606-321-03, 606-321-04, 606-321-05, 606-321-07, 606-321-08, 606-321-09, 606-331-01, 606-331-02, 606-331-03, 606-332-01, 606-351-03

Agency negotiators: City Manager and City Attorney
Negotiating parties: Owners of Record Sun Ranch Capital Partners, LLC and USA Portola Properties, LLC
Under Negotiation: Price and Terms of Payment for Dedication/
Acquisition under Possible Development Agreement Amendment or
Implementing Agreement

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:00 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:06 p.m. to continue regular City business.

PUBLIC SESSION

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of our Country was led by Mayor Kathryn McCullough with flag ceremony led by Cub Scout Pack 765.

CLOSED SESSION REPORT: (F: 0410-30)

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

4. PRESENTATION OF U.S. FLAG DROP-BOX BY CUB SCOUT PACK 765 submitted by City Clerk. (F: 0410-74)

ACTION: The City Council received the U.S. Flag Drop-box created for the City of Lake Forest by Cub Scout Pack 765 and presented by Patrick Horner, Scout Master.

REPORT FROM STUDENT LIAISON: (F: 0150-65)

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

PUBLIC COMMENTS: (F: 0410-35)

The following member of the public offered comments: Mr. Mark Niebel.

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

Council Member Rudolph asked for consideration to place an Urgency item on the agenda in the form of a Resolution supporting a wildlife corridor at the former Marine Corps Air Station at El Toro.

ACTION: It was moved by Council Member Rudolph and second by Mayor McCullough, to add an item to the agenda in support of a Resolution for a wildlife corridor on the former Marine Corps Air Station at El Toro. MOTION FAILED with Council Member Herzog and Tetteimer opposed. (An Urgency Item requires a 4/5 vote to pass.)

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

Council Member Rudolph pulled VA Consulting Inc., for separate consideration.

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

Council Member Rudolph, in reference to the warrant for VA Consulting Inc., asked if the City assumed the financial responsibilities of the District Engineer for FCPP.

Staff reported the City under agreement with the County of Orange,

assumed the responsibilities of the FCPP District Engineer, thus the City pays for the district engineer service through the City of Lake Forest FCPP fees.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council approved the warrant payable to VA Consulting, Inc. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6 - 11)

ACTION: On motion by Council Member Herzog and second by Council Member Tettemer, the City council approved Consent Calendar Item Nos. *6-7 and *10. **MOTION UNANIMOUSLY CARRIED.**

- *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 FEBRUARY 21, 2012** submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *10. **CONTRACT EXTENSION FOR BUILDING AND SAFETY SERVICES** submitted by Director of Development Services. (F: ?)

ACTION: The City Council approved the Second Amendment to the Professional Services Agreement with Interwest Consulting Group, substantially in the form attached, to provide Building and Safety Services.

PULLED CONSENT CALENDAR ITEMS:

- 8. **QUARTERLY FINANCIAL REPORT - DECEMBER 31, 2011** submitted by Director of Finance/City Treasurer. (F: 0300-40)

Council Member Rudolph pulled this item for separate consideration. She asked in the future for staff to provide the NPDES revenue and expenditures, and provide a year-to-date summary of expenditures for

the last ten years.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council received and filed the report as submitted. **MOTION UNANIMOUSLY CARRIED.**

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

Council Member Rudolph pulled this item for separate consideration. She complimented staff's diligence in overseeing the City's investments.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Voigts, the City Council received and filed the report as submitted. **MOTION UNANIMOUSLY CARRIED.**

11. **DRAFT 2012/13 ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)** submitted by Assistant City Manager. (F: ?)

Members of the public pulled this item for separate consideration.

The following members of the public offered comments: Margie Wakeham and Bob Van Every.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council: 1. Approved the Community Development Block Grant (CDBG) draft Action Plan for Fiscal Year 2012/13. 2. Authorized staff to provide notice of a 30-day public review and comment period and return the Action Plan to City Council for final approval and adoption on May 15, 2012. **MOTION UNANIMOUSLY CARRIED.**

PUBLIC HEARING(S):

12. **ZONING CODE AMENDMENT TO ADOPT PROCEDURES FOR PROCESSING AND REQUIRING DEVELOPMENT AGREEMENTS BETWEEN THE CITY AND GENERAL PLAN AMENDMENT APPLICANTS** submitted by Director of Development Services. (F ?)

The staff report dated March 20, 2012 was introduced.

RECESS: The City Council recessed at 7:55 p.m.

RECONVENE: The City Council reconvened with all Members present at 8:04 p.m.

Mayor McCullough opened the Public Hearing for public comment.

The following member of the public offered comment: Bryan Starr.

Mayor McCullough closed the public portion of the Public Hearing.

ACTION: Council Member Rudolph moved to approve the recommended action as stated. Mayor McCullough seconded the motion.

SUB-ACTION: On motion by Mayor Pro Tem Voigts, and second by Council Member Herzog, the City Council continued the agenda item to the City Council meeting of April 3, 2012, with review by legal counsel of a public speaker's submitted letter. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

13. ORDINANCE REGARDING AMENDMENTS TO LAKE FOREST MUNICIPAL CODE CHAPTER 3.13 CONCERNING PUBLIC PROJECTS BIDDING AND PROCEDURES AND RELATED PURCHASING AND CONTRACT GUIDELINES AND CONSTRUCTION CONTRACTS submitted by Deputy City Manager/Director of Management Services. (F ?)

Staff report dated March 20, 2012 was introduced.

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council: 1. Did not introduce the proposed Ordinance. 2. Adopted the revised Purchasing and Contract Guidelines March 2012. 3. Adopted the Updated Standard Construction Contract and Short Form Construction Contract as amended. MOTION UNANIMOUSLY CARRIED.

14. MID-YEAR BUDGET REVIEW submitted by Director of Finance/City Treasurer. (F 0300-40)

Staff report dated March 20, 2012 was introduced.

ACTION: On motion by Council Member Herzog and second by Mayor McCullough, the City Council: 1. Adopted Resolution No. 2012-21

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 IMPROVEMENTS BUDGET FOR 2011-2013. 2. Approved the restatement of beginning balances as noted in the section "Restatement of Beginning Balances." 3. Approved budget adjustments to estimated revenues as noted in section "Proposed Adjustments to Fiscal Year 2011-12 Estimated Revenues." 4. Approved budget adjustments to interfund transfers as noted in section "Proposed Adjustments to Fiscal Year 2011-12 Interfund Transfers." 5. Adopted Resolution No. 2012-22 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A REVISED CLASSIFICATION PLAN AND SALARY SCHEDULE. MOTION UNANIMOUSLY CARRIED.

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

City Manager Dunek introduced the staff report dated March 20, 2012.

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

16. 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: 0100-

City Manager Dunek presented comments.

CITY COUNCIL COMMENTS: (F: 0410-36)

Council Member Herzog offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Voigts offered comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: The City Council adjourned at 9:15 p.m. in Memorium of Ms. S. Kelly Hogrefe (F: ?)

DRAFT