

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
April 17, 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:

5:43 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

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 LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
Significant Exposure to Litigation
Number of potential cases: 1

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:50 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:03 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of our Country was led by Council Member Tettemer.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

3. AWARD PRESENTATION FROM CALED FOR SHOP AND DINE LAKE FOREST submitted by Assistant City Manager. (F: 0410-74)

ACTION: On motion by Council Member Tettemer and second by Council Member Herzog, the City Council received the award presented by Janet Coe, Board Member of the California Association for Local Economic Development (CALED). MOTION UNANIMOUSLY CARRIED.

4. PROCLAMATION DESIGNATING MAY 6-12, 2012 AS "WILDFIRE AWARENESS WEEK" submitted by City Clerk. (F: 0410-75)

ACTION: On motion by Council Member Tettemer and second by Council Member Herzog, the City Council approved the proclamation as submitted. MOTION UNANIMOUSLY CARRIED.

5. RECOGNITION OF GRADUATES OF THE 2012 LAKE FOREST COMMUNITY EMERGENCY PREPAREDNESS ACADEMY submitted by Chief of Police Services. (F: 0410-75)

ACTION: On motion by Council Member Tetteimer and second by Council Member Herzog, the City Council approved and presented Certificates of Recognition to the following graduates: Steven Campos, Daniel Campos, Ken Carrell, Wilson Dang, Dennis Derosia, Earl Derschan, Edith Devora, Pam English, Kevin FitzGerald, Mike Fontany, Beverley Ford, Kelly Hagins, Sharon Hankins, Bill Janzen, Seth Kaufman, Danielle Leggett, Rhonda A. Lorenzen, Jim Lowrey, Carol Lowrey, Harry Luettchau, Don O'Grady, Barbara O'Grady, Mel Perez, Leslie Raasch, Kim Tran, Mandi Welty, Brenda Willis, and Helen Willison. MOTION UNANIMOUSLY CARRIED.

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 members of the public offered comments: Lorenzo Ronquillo, Mark Neibel, Tim Rosnagle, Terry Parker, Gary Hile, Ignacio Sanchez, Vincent Burke, and Nancy Cramer.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 6)

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

Council Member Tetteimer disclosed he is an employee of the Irvine Ranch Water District (IRWD); he does not work for the department which handles rate setting or billings; because IRWD, a public agency, is the only available purveyor of water in areas of the City, he has concluded, in consultation with the City Attorney, he has a non-interest in this warrant; and having made this disclosure he is permitted to vote on this item.

Council Member Rudolph pulled the following warrant for separate consideration: Candlewood Suites.

ACTION: On motion by Council Member Herzog and second by Council Member Rudolph, the City Council approved the balance of the warrant

register as submitted.

Council Member Rudolph asked what funding source is paying for the temporary relocation of the Saguaro families to Candlewood Suites.

Staff reported reimbursement comes from redevelopment funds and the City.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Voigts, the City Council approved the warrant payable to Candlewood Suites. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 21)

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council approved Consent Calendar Item Nos. *7-11, 16, and *21. **MOTION UNANIMOUSLY CARRIED** with Council Member Tettermer abstained on Consent Calendar Item No. 11.

- *7. **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.

- *8. **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MARCH 6, AND 20, 2012** submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *9. **AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SENIOR TRANSPORTATION SERVICES** submitted by Director of Community Services. (F: 0400-10)

ACTION: The City Council: 1. Approved the selection of Age Well Senior Services for Senior Transportation Services. 2. Authorized the Mayor to execute an agreement with Age Well Senior Services.

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

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

- *11. ADOPTION OF ORDINANCE NO. 241 - LEVYING OF SPECIAL TAXES WITHIN THE CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT NO. 2010-01 (SERRANO SUMMIT) submitted by City Clerk. (F: 0340-22)

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 241 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, LEVYING SPECIAL TAXES WITHIN CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT NO. 20101-01 (SERRANO SUMMIT). 2. Adopted Ordinance No. 241.

- *16. APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE ENVIRONMENTAL CLEANUP PROGRAM submitted by Director of Public Works/City Engineer. (F: 0150-31)

ACTION: On motion The City Council: 1. Adopted Resolution No. 2012-29 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP PROGRAM, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR AUTOMATIC RETRACTABLE SCREEN CATCH BASIN RETROFIT (PHASE 2), AND IRRIGATION SYSTEM RUNOFF REDUCTION RETROFIT PROJECTS. 2. Authorized the Mayor to sign and the City Clerk to send a certified copy of the Resolution to the Orange County Transportation Authority. 3. Authorized the Director of Public Works/City Engineer to complete and submit the necessary CTFP Funding Application forms to Orange County Transportation Authority (OCTA) for the projects identified in the resolution.

- *21. AMENDED RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE FOR THE FORMER LAKE FOREST REDEVELOPMENT AGENCY submitted by Assistant City Manager. (F: 0660-45)

ACTION: The City Council reviewed and approved the amended Recognized Obligations Payment Schedule.

PULLED CONSENT CALENDAR ITEMS:

Staff pulled Consent Calendar Item Nos. 13, 15, 19, and 20 for separate consideration.

City Manager Dunek reported on the amended Request for Proposals for Consent Calendar Item Nos, 13, 15, 19, and 20.

13. REQUEST FOR PROPOSALS FOR PROFESSIONAL CONSULTING SERVICES FOR PREPARATION OF SOLID WASTE AND RECYCLING SERVICES submitted by Director of Public Works/City Engineer. (F: 0370-32)

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council: 1. Approved the Request for Proposals for Professional Services for Solid Waste and Recycling Services. 2. Authorized staff to solicit proposals for these services. MOTION UNANIMOUSLY CARRIED.

15. REQUEST FOR PROPOSALS FOR CONTRACT ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES submitted by Director of Public Works/City Engineer. (F: 0370-32)

MOTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council: 1. Approved the Request for Proposals for Contract Administration and Construction Inspection Services. 2. Authorized staff to solicit proposals for these services. MOTION UNANIMOUSLY CARRIED.

19. REQUEST FOR PROPOSALS - HOUSING REHABILITATION LOAN AND NEIGHBORHOOD PRIDE PAINT PROGRAMS submitted by Assistant City Manager. (F: 0370-32)

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council approved Request for Proposals (RFP) for consultant services to continue implementation of the City's Housing Rehabilitation Loan Program and the Neighborhood Pride Paint Program. MOTION UNANIMOUSLY CARRIED.

20. REQUEST FOR PROPOSALS - ESCROW SERVICES FOR HOUSING REHABILITATION LOAN PROGRAM submitted by Assistant City Manager. (F: 0370-32)

ACTION: The City Council approved Request for Proposals (RFP) for consultant escrow services for the Housing Rehabilitation Loan Program.

MOTION UNANIMOUSLY CARRIED.

14. BID DOCUMENTS FOR ADA ACCESS RAMP IMPROVEMENTS PHASE V (PW 2010.01) submitted by Director of Public Works/City Engineer. (F: 0370-32)

Council Member Rudolph pulled this item for separate consideration. She expressed concerns that the sidewalks within the City are all confirmed ADA compliant.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Voigts, the City Council: 1. Approved bid documents for construction of the ADA Access Ramp Improvements Phase V (PW 2010.01). 2. Authorized staff to solicit bids. MOTION UNANIMOUSLY CARRIED.

17. STATUS OF COMPLIANCE WITH NPDES STORMWATER PERMITS THIRD QUARTER FISCAL YEAR 2011-2012 submitted by Director of Public Works/City Engineer. (F: 0850-45)

Council Member Rudolph pulled this item for separate consideration. She thanked staff for integrating the expenditures into the report.

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.

18. PAVEMENT IMPROVEMENTS TO TRABUCO ROAD submitted by Director of Public Works/City Engineer. (F: 0400-10)

Council Member Rudolph pulled this item for separate consideration.

She made a motion to agendaize construction improvements and sidewalk issues along Jeronimo, Trabuco, and Rockfield streets.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council: 1. Approved Contract Change Order #1 to the Street Resurfacing Project on Various Streets PW 2009.08C, in the amount of \$239,092. 2. Authorized the Mayor to sign the attached Contract Change Order #1, and authorized staff to direct All American Asphalt to proceed with asphalt repairs on Trabuco Road. 3. Adopted Resolution No. 2012-30 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA,

AMENDING THE CAPITAL IMPROVEMENTS BUDGET FOR 2005-2007. MOTION UNANIMOUSLY CARRIED.

12. ADOPT ORDINANCE NO. 242 - ADDING LAKE FOREST MUNICIPAL CODE CHAPTER 9.194 RELATED TO ADMINISTRATIVE PROCEDURES FOR GENERAL PLAN AMENDMENTS submitted by City Clerk. (F: 0610-95) (X: 0610.10)

The City Clerk requested a vote on Agenda Item No. 12, which was omitted during the approval of the consent Calendar.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council: 1. Conducted the second reading of Ordinance No. 242 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING LAKE FOREST MUNICIPAL CODE CHAPTER 9.194 RELATING TO DEVELOPMENT AGREEMENT PROCEDURES AND REQUIRING DEVELOPMENT AGREEMENTS FOR GENERAL PLAN AMENDMENTS. 2. Adopted Ordinance No 242. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

22. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF SITE DEVELOPMENT PERMIT 9-11-2141 AND PLANNED SIGN PROGRAM 9-11-2142, AND THE DENIAL OF LAKE FOREST REDEVELOPMENT AGENCY CONFORMANCE EVALUATION REPORT R2011-0010 FOR A SIZZLER RESTAURANT LOCATED AT 23501 EL TORO ROAD submitted by Director of Development Services. (F: 0405-20)

Counsel Elizabeth Hull reviewed the appeal process and her role as legal Counsel to the hearing.

Staff report dated April 17, 2012 was introduced.

Mayor McCullough opened the Public Hearing for public comment.

Elizabeth Hull, City Attorney for the Public Hearing summarized the hearing procedure.

Appellants Gary Myers, Shelly Myers, and Bruce Myers addressed the Council.

The following members of the public offered comments: C.J. Brower and Scott Peotter.

Mayor McCullough closed the public portion of the Public Hearing.

Council discussion ensued.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Voigts, the City Council conducted the Public Hearing, considered all evidence and testimony in the record, considered each application individually and rendered a decision regarding denial of Site Development Permit 9-11-2141, Planned Sign Program 9-11-2142 and Agency Conformance Evaluation Report R2011-0010. The City Council overturned the decisions of the Planning Commission and Lake Forest Redevelopment Agency and directed staff to prepare a Resolution for the City Council meeting of April 3, 2012, formalizing City Council's findings. **MOTION CARRIED** with Council Member Herzog and Council Member Tettemer opposed.

DISCUSSION/ACTION ITEMS:

23. **VEHICLE BUDGET AND REPLACEMENT POLICY** submitted by Director of Public Works/City Engineer. (F: 0380-80)

Staff report dated April 17, 2012 was introduced.

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Rudolph, the City Council: 1. Reviewed the proposed Vehicle Budget and Replacement Policy. 2. Exercised City Council discretion and approved the proposed policy. **MOTION UNANIMOUSLY CARRIED.**

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

City Manager Dunek introduced the staff report dated April 17, 2012.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Voigts, the City Council voted to oppose AB 2312. City Council received and filed the report as amended. **MOTION UNANIMOUSLY CARRIED.**

25. **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:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 0410-36)

Council Member Herzog offered no comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Voigts offered comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

ADJOURNMENT: 10:43 p.m.