

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
September 2, 2014

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:

David A. Bass
Kathryn McCullough
Scott Voigts
Adam Nick
Dwight Robinson

Mayor Pro Tem:

Mayor:

City Manager:

City Attorney:

City Clerk:

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

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: City Manager
Unrepresented employee: All Employees
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: Nine (9) acre site located at the proposed extension of Indian Ocean Drive (Proposed Civic Center– APN #s 104-132-36, 104-132-65, and 104-132-84)
Agency negotiators: City Manager and Asst. City Manager
Negotiating parties: City Manager, Asst. City Manager and Irvine Ranch Water District (“IRWD”)
Under Negotiation: Price and Terms of Payment

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 7:01 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

INVOCATION: The Invocation was led by Kathleen J. Bratun, Executive Pastor, The Connection Church of Lake Forest.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Voigts. He deferred to Lt. Sash of the USMC 1st Law Enforcement Battalion.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

3. RECOGNITION OF 2014 PARADE VOLUNTEERS, SPONSORS, AND AWARD WINNERS submitted by Director of Community Services.

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council: 1. Recognized the volunteers who helped plan and produce the 2014 Lake Forest Independence Day Parade. 2. Recognized the parade sponsors. 3. Presented awards to winning entries. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENTS:

The following member of the public offered comment: Marcia Rudolph.

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

4. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

Council Member McCullough pulled the warrant payable to The Gas Company.

ACTION: On motion by Council Member Voigts and second by Council Member Bass, the City Council approved the balance of the warrant register as submitted. MOTION UNANIMOUSLY CARRIED.

Council Member McCullough wanted to know why the city was paying this utility bill.

Assistant City Manager Belmer stated it is a utility for a common area.

ACTION: On motion by Council Member McCullough and second by Council Member Voigts, the City Council approved the warrant payable to The Gas Company. MOTION UNANIMOUSLY CARRIED.

Council Member McCullough asked staff to provide the total expense to date for the law firm of Cummins & White, LLP.

Mayor Pro Tem Nick recused himself and left the room.

Director of Finance Neves stated he will provide the requested total expense information to all Council Members and will provide it at all future City Council meetings.

ACTION: On motion by Council Member McCullough and second by Council Member Voigts, the City Council moved for staff to provide the expenditures to date for the law firm of Cummins & White, LLP. MOTION CARRIED with Mayor Pro Tem Nick abstained.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5 - 14)

ACTION: On motion by Council Member McCullough and second by Council Member Voigts, the City Council approved Consent Calendar Item Nos. *5-8, and *10-12. MOTION UNANIMOUSLY CARRIED.

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

ACTION: The City Council waived 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 AUGUST 5, 2014, submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *7. ADOPTION OF ORDINANCE NO. 267 - AMENDING LAKE FOREST MUNICIPAL CODE TITLE 5 AND TITLE 9 RELATING TO PROMOTIONAL SIGNS, TEMPORARY OUTDOOR PROMOTIONS, AND LIVE ENTERTAINMENT submitted by City Clerk.

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 267 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING LAKE FOREST MUNICIPAL CODE CHAPTERS 5.05 - SPECIAL EVENTS, AS RELATED TO TEMPORARY OUTDOOR PROMOTIONS, CHAPTER 5.36 - ENTERTAINMENT PERMITS, AS RELATED TO OUTDOOR ENTERTAINMENT, AND CHAPTER 9.164 - SIGNS, AS RELATING TO PROMOTIONAL SIGNS; AND ENACTING CHAPTER 9.180 - TEMPORARY OUTDOOR PROMOTIONS. 2. Adopted Ordinance No. 267.

- *8. ADOPTION OF ORDINANCE NO. 268 - SPEED LIMIT ON RANCHO PARKWAY SOUTH submitted by City Clerk.

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 268 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, DETERMINING THE SPEED LIMIT ON RANCHO PARKWAY SOUTH. 2. Adopted Ordinance No. 268.

- *10. APPROVAL OF FINAL TRACT MAP NO. 17446 submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Adopted Resolution No. 2014-33 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING FINAL TRACT MAP NO.17446, CREATING A 12-NUMBERED AND 3-LETTERED LOT SUBDIVISION FOR CONDOMINIUM RESIDENTIAL PURPOSES ON 9.0-ACRES LOCATED AT THE SOUTHWEST CORNER OF BAKE PARKWAY AND PORTOLA PARKWAY. 2. Approved the Subdivision Improvement Agreement with Brookfield LF 147 LLC, A Delaware Limited Liability Company, to construct the subdivision improvements associated with Final Tract Map No.17446. 3. Accepted the Subdivision Faithful Performance Bond and the Subdivision Labor and Materials Bond both in the amount of \$101,666, the Subdivision Warranty Bond in the amount of

\$10,167, and the Subdivision Monumentation Bond in the amount of \$19,953, as surety for the construction of the subdivision improvements.

- *11. AUTHORIZATION TO APPLY FOR ORANGE COUNTY TRANSPORTATION AUTHORITY GRANT FUNDING UNDER THE ENVIRONMENTAL CLEAN-UP PROGRAM FOR CATCH BASIN SCREENS submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved Resolution No. 2014-34 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEAN-UP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR CATCH BASIN AUTOMATIC RETRACTABLE SCREEN RETROFIT PROJECT (PHASE 4). 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 Combined Transportation Funding Program application forms to the Orange County Transportation Authority for Catch Basin Automatic Retractable Screens.

- *12. REQUEST FOR PROPOSAL FOR WHISPERING HILLS PARK DESIGN SERVICES submitted by Director of Community Services.

ACTION: The City Council: 1. Approved the attached Request for Proposal for Whispering Hills Park Design Services. 2. Authorized staff to solicit proposals for Conceptual Design Services.

PULLED CONSENT CALENDAR AGENDA ITEMS:

9. ANNUAL REVIEW OF THE FINANCIAL INVESTMENT POLICY submitted by Director of Finance/City Treasurer.

Council Member McCullough pulled this item for separate consideration. She asked questions regarding city investments.

Finance Director Neves reported the City has no investments in commercial paper at this time, and there is a limit of 5 percent within the portfolio guidelines.

ACTION: On motion by Council Member McCullough and second by Council Member Voigts, the City Council approved the revised

Investment Policy substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

13. REQUEST FOR PROPOSAL FOR VILLAGE POND PARK FINAL DESIGN SERVICES submitted by Director of Community Services.

Council Member Bass pulled this item for separate consideration. He asked for a revision to the Scope of Work.

ACTION: On motion by Council Member Bass and second by Council Member Voigts, the City Council: 1. Approved the Attached Request for Proposal for Village Pond Park Final Design Services. 2. Authorized Staff to Solicit Proposals for Final Design Services. MOTION UNANIMOUSLY CARRIED.

14. CONTRACT AWARD FOR SECURITY CAMERA SERVICES AT THE LAKE FOREST SPORTS PARK AND RECREATION CENTER submitted by Deputy City Manager/Director of Management Services.

Council Member McCullough pulled this item for separate consideration. She asked about the terms of the media agreement.

Deputy City Manager Rose stated the City's intention is to capture and save the footage of events or incidents only, and not all footage in general will be retained.

ACTION: On motion by Council Member McCullough and second by Council Member Voigts, the City Council: 1. Awarded a contract in the not-to-exceed amount of \$117,928 to Specialized Installations for Security Camera Services for the Lake Forest Sports Park and Recreation Center. 2. Authorized the Mayor to sign and the City Clerk to attest the agreement with Specialized Installations substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

15. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR 99¢ ONLY STORE #198 LOCATED AT 23829 EL TORO ROAD submitted by Director of Development Services.

City Attorney Smith introduced the need for special counsel referencing Nightlife Quintero litigation. He introduced Ms. Jacqueline Vinaccia who

would be advising the City Council. City Attorney Smith stated he would represent the Planning Commission and staff.

Council Member McCullough inquired about economic analysis of financial interests and potential conflict of interests.

Attorney Vinaccia reported if Council desires analysis to be performed, it can be prepared and the hearings heard over.

Council discussion ensued.

RECESS: The City Council recessed at 8:14 p.m.

RECONVENE: The City Council reconvened at 8:29 p.m.

Mayor Robinson asked for clarity to the prior comments by Council.

Attorney Vinnacia provided clarification.

Mayor Robinson opened the Public Hearing for public comments.

The following members of the public offered comments: Jim Gardner, Steve Rawlings, and Marcia Rudolph.

Mayor Robinson closed the public portion of the Public Hearing.

Council discussion continued.

ACTION: On motion by Mayor Robinson and second by Mayor Pro Tem Nick, the City Council moved to have a materiality analysis performed and continue the Appeal of the 99¢ Only Store #198 to a date to be determined after receiving the completed analysis. **MOTION UNANIMOUSLY CARRIED.**

16. **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR 99¢ ONLY STORE #327 LOCATED AT 26542 TOWNE CENTRE DRIVE submitted by Director of Development Services.**

ACTION: On motion by Mayor Robinson and second by Mayor Pro Tem Nick, the City Council moved to have a materiality analysis performed and continue the Appeal of the 99¢ Only Store - #327 to a date to be determined after receiving the completed analysis. **MOTION**

UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

There were no items scheduled for Discussion.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Bass offered comments.

Council Member McCullough offered comments.

Council Member Voigts offered comments.

Mayor Pro Tem Nick offered comments.

Mayor Robinson offered no comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 8:58 p.m.