

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
April 3, 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:

Scott Voigts

Mayor:

Kathryn McCullough

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

City Clerk:

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)

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:45 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

### PLEDGE OF ALLEGIANCE:

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

### CLOSED SESSION REPORT: (F: 0410-75)

City Attorney Smith stated there was no reportable action.

### PRESENTATIONS:

2. PROCLAMATION DECLARING APRIL 22, 2012, AS EARTH DAY IN THE CITY OF LAKE FOREST submitted by Director of Public Works/City Engineer. (F: 0410-75)

ACTION: The City Council approved the proclamation designating Sunday, April 22, 2012, as Earth Day in the City of Lake Forest.

3. PROCLAMATION DECLARING APRIL 27, 2012, AS ARBOR DAY IN THE CITY OF LAKE FOREST submitted by Director of Public Works/City Engineer. (F: 0410-75)

ACTION: The City Council approved the proclamation designating Friday, April 27, 2012, as Arbor Day in the City of Lake Forest.

4. PROCLAMATION DECLARING APRIL 2012 AS "DMV/DONATE LIFE CALIFORNIA MONTH" submitted by City Clerk. (F: 0410-75)

ACTION: The City Council approved April 2012 as DMV/Donate Life California Month.

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: Jocelyn Schumaker, Mark Neibel, Devood Jafari, Lorenzo Ronquillo, and Scott Stoltz.

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

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

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council approved the warrant register in the amount of \$1,931,790.62 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6 - 13)

ACTION: On motion by Council Member Herzog and second by Council Member Tettemer, the City Council approved Consent Calendar Item Nos. \*6-13. 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. QUARTERLY SIX MONTH EXPIRATION REPORT submitted by City Clerk. (F: 0400-05)

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

- \*8. 1ST QUARTER COMMISSION ATTENDANCE REPORT submitted by City Clerk. (F: 0120-10-85)

ACTION: The City Council approved the Commission absences as excused.

- \*9. GIS SOFTWARE LICENSE AGREEMENT submitted by Deputy City Manager/Director of Management Services. (F: 0400-10)

ACTION: The City Council approved the Small Municipal and County Enterprise License Agreement with Environmental Systems Research Institute, Inc. for ArcGIS Server software license and annual maintenance.

- \*10. ANNUAL HOUSING ELEMENT PROGRESS REPORT submitted by Director of Development Services. (F: 0650-85)

ACTION: The City Council authorized staff to submit the annual Housing Element progress report to the State Department of Housing and Community Development and the Office of Planning and Research.

- \*11. AWARD OF CONTRACT FOR INVESTMENT OVERSIGHT REVIEWER SERVICES submitted by Director of Finance/City Treasurer. (F: 0400-10)

ACTION: The City Council: 1. Approved the selection of Macias Gini & O'Connell to provide Investment Oversight Reviewer Services. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement with Macias Gini & O'Connell.

- \*12. APPROVAL OF FINAL PARCEL MAP NO. 2011-125 submitted by Director of Public Works/City Engineer. (F: 0600-20)

ACTION: The City Council adopted Resolution No. 2012-23 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2011-125, SUBDIVIDING AN EXISTING COMMERCIAL PARCEL WITH TWO BUILDINGS INTO TWO SEPARATE PARCELS LOCATED AT 20652-20672 LAKE FOREST DRIVE.

- \*13. BID DOCUMENTS FOR FLEET MAINTENANCE submitted by Director of Public Works/City Engineer. (F: 0370-32)

ACTION: The City Council: 1. Approved the bid documents for Fleet Maintenance Services. 2. Authorized staff to solicit bids.

## PUBLIC HEARING(S):

14. COMMUNITY FACILITIES DISTRICT NO. 2010-01 (SERRANO SUMMIT) submitted by Director of Finance/City Treasurer. (F: 0340-22)

Council Member Tetteimer recused himself and left the dais at 7:23 p.m.

Staff report dated April 3, 2012 was introduced.

Mayor McCullough opened the Public Hearing for public comment.

Mayor McCullough closed the public portion of the Public Hearing.

Council discussion ensued.

**ACTION:** On motion by Council Member Rudolph and second by Council Member Herzog, the City Council: 1. Conducted a public hearing regarding (a) the establishment of Community Facilities District No. 2010-01 (Serrano Summit) ("CFD No. 2010-01") and (b) the necessity to incur bonded indebtedness of CFD No. 2010-01. 2. Adopted Resolution No. 2012-24 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST ESTABLISHING CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT NO. 2010-01 (SERRANO SUMMIT) OF THE CITY OF LAKE FOREST, COUNTY OF ORANGE, STATE OF CALIFORNIA, AND THE ESTABLISHMENT OF IMPROVEMENT AREAS THEREIN. MOTION CARRIED with Council Member Tetteimer recused (absent from the dais).

**ACTION:** On motion by Council Member Herzog and second by Council Member Rudolph, the City Council adopted Resolution No. 2012-25 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST DETERMINING THE NECESSITY FOR CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT NO. 2010-01 (SERRANO SUMMIT) TO INCUR A BONDED INDEBTEDNESS WITHIN EACH IMPROVEMENT AREA THEREOF AND CALLING SPECIAL ELECTIONS FOR THE IMPROVEMENT AREAS THEREIN ON PROPOSITIONS FOR INCURRING SUCH BONDED INDEBTEDNESS. MOTION CARRIED with Council Member Tetteimer recused (absent from the dais).

**ACTION:** On motion by Council Member Rudolph and second by Mayor Pro Tem Voigts, the City Council adopted Resolution No. 2012-26 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST CALLING SPECIAL ELECTIONS AND SUBMITTING TO

THE VOTERS OF IMPROVEMENT AREA NO. 1, IMPROVEMENT AREA NO. 2, AND IMPROVEMENT AREA NO. 3 OF CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT 2010-01 (SERRANO SUMMIT) PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE IMPROVEMENT AREAS TO PAY PRINCIPAL OF AND INTEREST ON BONDS THEREOF AND THE ESTABLISHMENT OF AN APPROPRIATION LIMIT THEREFOR. MOTION CARRIED with Council Member Tetterer recused (absent from the dais).

The City Clerk tabulated ballots cast in the special election held within CFD No. 2010-01 to enable the qualified electors of CFD No. 2010-01 to consider ballot questions regarding (a) the authorization to levy special taxes within CFD No. 2010-01, (b) the authorization to issue bonds secured by the levy of such special taxes, and (c) the establishment of an appropriations limit for CFD No. 2010-01.

The propositions received affirmative votes of the votes cast.

**ACTION:** On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council adopted Resolution No. 2012-27 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST DECLARING THE RESULTS OF THE CONSOLIDATED SPECIAL ELECTIONS FOR IMPROVEMENT AREA NO. 1, IMPROVEMENT AREA NO. 2, AND IMPROVEMENT AREA NO. 3 OF CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT NO. 2010-01 (SERRANO SUMMIT) ON PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE IMPROVEMENT AREAS TO PAY PRINCIPAL OF AND INTEREST ON BONDS THEREOF AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT THEREFOR. MOTION CARRIED with Council Member Tetterer recused (absent from the dais).

**ACTION:** On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council adopted Resolution No. 2012-28 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST APPROVING JOINT COMMUNITY FACILITIES AGREEMENTS WITH SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT AND IRVINE RANCH WATER DISTRICT (CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT NO. 2010-01 SERRANO SUMMIT). MOTION CARRIED with Council Member Tetterer recused (absent from the dais).

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council introduced for first reading Ordinance No. 241 levying special taxes within CFD No. 2010-01 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. 2010-01 (SERRANO SUMMIT). MOTION CARRIED with Council Member Tetteimer recused (absent from the dais).

15. 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. (Continued from the March 20, 2012 Regular City Council Meeting). (F: 0610-95) (X: 0610.10)

Staff report dated April 3, 2012 was introduced.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council conducted first 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. MOTION CARRIED with Mayor Pro Tem Voigts opposed.

Council Member Tetteimer returned to the dais at 7:40 p.m.

#### DISCUSSION/ACTION ITEMS:

16. 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 Council Member Tetteimer, the City Council received and filed the report. MOTION UNANIMOUSLY CARRIED.

17. 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.

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented comments.

CITY COUNCIL COMMENTS:

Council Member Herzog offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Voigts offered no comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 8:33 p.m.