

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
December 18, 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:

6:08 p.m.

ROLL CALL: Council Members:

Peter Herzog

Adam Nick

Dwight Robinson

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 (F: 0410-30)

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
Significant exposure to litigation
Number of potential cases: 1
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(b)
Case Name: John Doe v. City of Costa Mesa, City of Huntington Beach,
City of Lake Forest, et al.
Case Number: United States District Court, Central District, Case No.
8:12-cv-01665-AG-RNB

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:03 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:13 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 Mayor Pro Tem Voigts.

CLOSED SESSION REPORT: (F: 0410-30)

City Attorney Smith stated there was no reportable action. He stated potential litigation from Janice Belluci was made public at the last City Council meeting.

PRESENTATIONS:

3. EMPLOYEE SERVICE AWARDS submitted by Deputy City Manager/Director of Management Services. (F: 0410-75)

ACTION: Mayor McCullough made presentations to those present.

4. PRESENTATION BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY submitted by Director of Public Works/City Engineer. (F: 0150-31)

ACTION: The City Council received a presentation from the Orange County Transportation Authority regarding its I-5 Widening Project.

CITY COUNCIL CEREMONIAL ITEMS

5. RESOLUTION COMMENDING MAYOR submitted by City Clerk. (F: 0410-74)

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council adopted Resolution No. 2012-65 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, COMMENDING COUNCIL MEMBER KATHRYN MCCULLOUGH ON HER TERM AS MAYOR 2012. MOTION CARRIED with Mayor McCullough abstained.

6. COMMENTS BY OUTGOING MAYOR submitted by City Clerk.
ACTION: The City Council received comments from Mayor McCullough.
(F: 0410-36)

REPORT FROM STUDENT LIAISON:

Jens Personius, Student Liaison from El Toro High School, presented his report.

PUBLIC COMMENTS: (F: 0410-35)

The following members of the public offered comments: Marcia Rudolph, Herb Chatterton, Bob Holtzclaw, and Jim Gardner.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 7)

7. 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 \$1,012,606.77 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 8 - 19)

ACTION: On motion by Council Member Herzog and second by Council Member Robinson, the City Council approved the Consent Calendar Item Nos. *8-9, *11-17, and*19. MOTION UNANIMOUSLY CARRIED.

- *8. 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.

- *9. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON NOVEMBER 20, 2012 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *11. FISCAL YEAR 2012-2013 FIRST QUARTER TRAVEL AND MEETING EXPENSES - JULY 1, 2012 - SEPTEMBER 30, 2012 submitted by City Clerk. (F: 0360-40)

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

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

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

- *13. AMENDMENT OF PERSONNEL RULES AND REGULATIONS submitted by Deputy City Manager/Director of Management Services. (F: 0500-90)

ACTION: The City Council adopted Resolution No. 2012-66 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE AMENDMENT OF THE PERSONNEL RULES AND REGULATIONS.

- *14. APPROVAL OF FINAL TRACT MAP NO. 17491 submitted by Director of Public Works/City Engineer. (F: 0600-10)

ACTION: The City Council adopted Resolution No. 2012-67 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 17491, CREATING A 33-NUMBERED LOT SUBDIVISION FOR FINANCE AND CONVEYANCE PURPOSES LOCATED WITHIN THE AREA BOUNDED BY BORREGO CANYON WASH, COMMERCENTRE DRIVE, BAKE PARKWAY, AND RANCHO PARKWAY SOUTH.

- *15. NOTICE OF COMPLETION FOR THE TRABUCO ROAD STREETScape PROJECT (PW 2005.06) submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Found that Environmental Construction Inc., of Woodland Hills, has completed construction of the Trabuco Road Streetscape Project PW 2005.06. 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion with the County Clerk-Recorder of Orange County, within 10 days of City Council approval as required by Section 3093 of the California Civil Code.

4. Authorized release of the ten percent retention payment to the contractor in the amount of \$368,191.37, thirty days after recording the Notice of Completion, provided a Stop Notice is not on file with the City preventing release of the retention payment.

- *16. NOTICE OF COMPLETION FOR THE RANCHO PARKWAY PROJECT (PW 2009.06) submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Found that GMC Engineering, Inc., of Tustin, California, has completed construction of the Rancho Parkway Project (PW 2009.06). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion for recordation with the County of Recorder of Orange County within 10 days of City Council approval as required by Section 3093 of the California Civil Code. 4. Authorized payment of the five percent retention payment to the contractor in the amount of \$166,795.78 thirty days after the recording of the Notice of Completion, providing there are no Stop Notices on file with the City preventing release of the final payment.

- *17. NOTICE OF COMPLETION FOR THE EL TORO ROAD AND JERONIMO ROAD STREETScape PROJECT submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Found that Land Forms Landscape Construction of Laguna Niguel, California, has completed construction of the El Toro Road and Jeronimo Road Streetscape Project (PW 2007.02). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion with the County Clerk-Recorder of Orange County, within 10 days of City Council approval as required by Section 2093 of the California Civil Code. 4. Authorized release of the ten percent retention payment to the contractor in the amount of \$216,785.44, thirty days after the recording of the Notice of Completion, provided no Stop Notices are on file with the City preventing release of the retention payment.

- *19. SECOND AMENDMENT TO CONTRACT FOR LANDSCAPE MAINTENANCE OF MEDIANS, PARKWAYS AND SLOPES submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Approved the Second Amendment to the

contract for Landscape Maintenance of Medians, Parkways and Slopes, with SpectrumCare Landscape. 2. Authorized the Mayor to sign, and the City Clerk attest, the Second Amendment substantially in the form attached.

PULLED CONSENT CALENDAR ITEMS:

10. **ADOPTION OF ORDINANCE NO. 248 - AN ORDINANCE TO REPEAL LAKE FOREST MUNICIPAL CODE CHAPTER 13.12** submitted by City Clerk. (F: 0480-10)

This item was pulled by a member of the public. The following members of the public offered comments: (F: 0410-35)

Sonny Morper, Frank Lindsay, Janice Bellucci, Jeffrey McBride, Sandra Rea, Robert Curtis, Priscilla Perez, Merry Axelrod, Susan Schroeder, Gregory Bird, Kelly Hagins, Stephen B. Cheung, and Elise Lindsay.

Council discussion ensued.

ACTION: On motion by Council Member Herzog and second by Mayor McCullough, the City Council: 1. Conducted the second reading of Ordinance No. 248 entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REPEALING LAKE FOREST MUNICIPAL CODE CHAPTER 13.12 RELATING TO REGISTERED SEX OFFENDERS IN CITY PARKS.** 2. Adopted Ordinance No. 248. **MOTION CARRIED** with Council Member Nick and Council Member Robinson opposed.

RECESS: The City Council recessed at 9:26 p.m.

RECONVENE: The City Council reconvened with all Members present at 9:38 p.m.

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

This item was pulled by a member of the public.

The following member of the public submitted a written comment and did not speak: Jim Gardner.

ACTION: On motion by Council Member Herzog and second by Mayor

Pro Tem Voigts, the City Council: 1. Approved the Third 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 Third Amendments with WMOC, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

20. PUBLIC HEARING TO CONSIDER STREET NAMES FOR THE SHEA BAKER RANCH ASSOCIATES DEVELOPMENT submitted by Director of Public Works/City Engineer. (F: 0600-76)

Staff report dated December 18, 2012 was introduced.

Mayor McCullough opened the Public Hearing for public comment.

There were no public comments.

Mayor McCullough closed the public portion of the Public Hearing.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council: 1. Conducted the Noticed Public Hearing. 2. Adopted Resolution No. 2012-68 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE LIST OF STREET NAMES TO BE USED FOR THE SHEA BAKER RANCH ASSOCIATES DEVELOPMENT APPROVED BY THE CITY COUNCIL AS TENTATIVE TRACT NO. 16466, WITHIN THE AREA BOUNDED BY ALTON PARKWAY, COMMERCENTRE DRIVE, BAKE PARKWAY, AND RANCHO PARKWAY SOUTH. MOTION UNANIOMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

21. PRESENTATION ON THE STATUS OF THE PROPOSED BROOKFIELD AND TRUMARK RESIDENTIAL DEVELOPMENTS submitted by City Clerk. (F: 0600-75)

Staff report dated December 18, 2012 was introduced.

The following members of the public offered comments: Jill Kanzler, Dave Bartlett, Tom Grable, and James O'Malley.

ACTION: The City Council received verbal report from staff on the status of the proposed Brookfield and Trumark residential development projects.

22. PRESENTATION ON THE STATUS OF THE LAKE FOREST SPORTS PARK PROJECT submitted by City Clerk. (F: 0730-30)

ACTION: The City Council received the verbal report from staff on the status of the Lake Forest Sports Park Project.

23. MUNICIPAL CODE RECODIFICATION submitted by City Manager. (F: 0480-20)

Mayor Pro Tem Voigts left the dais at 10:30 p.m.

Staff requested this item be continued to the January 15, 2013 City Council meeting.

ACTION: On motion by Council Member Nick and second by Council Member Herzog, the City Council moved the item to the January 15, 2013 City Council meeting. MOTION CARRIED with Mayor Pro Tem Voigts absent.

ACTION: Council Member Nick moved and Council Member Herzog second, to extend the City Council meeting ten minutes. MOTION UNANIMOUSLY CARRIED.

24. METHOD AND PRACTICE OF COUNCIL MEMBER-INITIATED ITEMS BEING PLACED ON THE CITY COUNCIL AGENDA submitted by City Clerk. (F: 0410-80)

City Manager Dunek introduced the staff report dated December 18, 2012.

Council Member Nick presented his proposed change to the process of initiated agenda items from Council Members from a majority vote, to two members of the Council for approval.

Mayor Pro Tem Voigts returned to the dais at 10:41 p.m.

Council discussion ensued.

ACTION: On motion by Council Member Nick and second by Mayor Pro

Tem Voigts, the City Council approved a consensus approval vote to place one item per Council Member per meeting on an agenda; by a vote of two Council Members; for a six month trial basis. MOTION CARRIED with Council Member Herzog and Council Member Robinson opposed.

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 comments.

Council Member Nick offered comments.

Council Member Robinson offered comments.

Mayor Pro Tem Voigts offered comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 10:44 p.m.