

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
February 21, 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:

6:05 p.m.

ROLL CALL: Council Members:

Peter Herzog
Marcia Rudolph (Absent)
Mark Tettermer
Scott Voigts
Kathryn McCullough

Mayor Pro Tem:

Mayor:

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 – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 1

City of Lake Forest v. Lake Forest Bodycentre, et al. (Case No. G043301, 4th Appellate District, Div. 3)

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 7:02 p.m., with Council Member Rudolph absent 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.

PRESENTATIONS:

3. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED DECEMBER 31, 2011 submitted by Director of Finance/City Treasurer. (F: 0350-85)

ACTION: The City Council received and filed the report from Kathy V. Lai with the firm of Macias, Gini & O'Connell.

REPORT FROM STUDENT LIAISON:

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

PUBLIC COMMENTS: (F: 0410-35)

The following member of the public offered comment: Sandra Rea-McGinty.

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

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

Mayor McCullough pulled the following warrant for separate consideration: Law Offices of Joseph W. Fletcher.

ACTION: On motion by Council Member Herzog and second by Council Member Tetteimer, the City Council approved the balance of the warrant register as submitted. MOTION CARRIED with Council Member Rudolph absent.

Mayor McCullough asked what was the service provided by the law offices of Joseph W. Fletcher.

City Attorney Smith stated as legal Counsel to the City, it was necessary for the Clerk to seek independent advice to confirm implementation of the Fair Political Practice Commission's recent opinion related to appointments to regional boards and conflict of interests.

ACTION: On motion by Council Member Herzog and second by Council Member Tetteimer, the City Council approved the warrant payable to Law Offices of Joseph W. Fletcher. MOTION CARRIED with Council Member Rudolph absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5 – 18)

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council approved Consent Calendar Item Nos. *5-18. MOTION CARRIED with Council Member Rudolph absent and Council Member Tetteimer abstained on Agenda Item No. 15.

- *5. 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.

- *6. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JANUARY 17, 2012 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *7. AUDIT REPORTS - YEAR ENDED JUNE 30, 2011 submitted by Director of Finance/City Treasurer. (F: 0310-10-?)

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

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

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

- *9. ARTICLE XIII B APPROPRIATIONS LIMIT AMENDMENT submitted by Director of Finance/City Treasurer. (F: 0330-60)

ACTION: The City Council adopted Resolution No. 2012-11 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-2012.

- *10. FISCAL YEAR 2011-2012 SECOND QUARTER TRAVEL AND MEETING EXPENSES - OCTOBER 1, 2011 - DECEMBER 31, 2011 submitted by City Clerk. (F: 0360-40)

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

- *11. AMENDMENT TO THE AGREEMENT FOR HUMAN RESOURCES CONSULTING SERVICES submitted by Deputy City Manager/Director of Management Services. (F: 0400-10)

ACTION: The City Council approved the First Amendment to the Agreement with Ralph Andersen & Associates, substantially in the form attached, to provide human resources consulting services.

- *12. ADOPTION OF ORDINANCE NO. 239 - VERY HIGH FIRE HAZARD SEVERITY ZONES submitted by City Clerk. (F: 0240-60)

ACTION: The City Council: 1. Conducted second reading of Ordinance No. 239 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE

CITY OF LAKE FOREST, CALIFORNIA, ADOPTING THE VERY HIGH FIRE HAZARD SEVERITY ZONES AS RECOMMENDED BY THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CALFIRE). 2. Adopted Ordinance No. 239.

- *13. FIRST AMENDMENT TO AGREEMENT WITH PLAYGROUND SAFETY ANALYSTS FOR PARK SAFETY INSPECTION SERVICES submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Approved the First Amendment to Agreement with Playground Safety Analysts for park and playground safety inspection services substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the First Amendment.

- *14. CONTRACT CHANGE ORDER NO. 6 FOR ALTON PARKWAY PROJECT (PW 2009.02) submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council authorized the City Manager to approve Contract Change Order No. 6 with Sukut Construction for the Alton Parkway project.

- *15. SECOND AMENDMENT WITH FIELDMAN, ROLAPP & ASSOCIATES FOR FINANCIAL ADVISORY SERVICES RELATED TO FORMATION OF COMMUNITY FACILITIES DISTRICT 2010-01 (SERRANO SUMMIT) submitted by Assistant to the City Manager. (F: 0400-10)

ACTION: The City Council: 1. Approved the Second Amendment to the Agreement with Fieldman, Rolapp & Associates for financial advisory services related to formation of Community Facilities District 2010-01 (Serrano Summit). 2. Authorized the Mayor to sign and the City Clerk to attest the Second Amendment with Fieldman, Rolapp & Associates with Council Member Tetteimer abstained.

- *16. AMENDMENT AND ADOPTION OF AN ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE submitted by Assistant City Manager. (F: 0660-45)

ACTION: The City Council acting as the Successor Agency to the former Lake Forest Redevelopment Agency, adopted Resolution No. 2012-12 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, SERVING AS THE

SUCCESSOR AGENCY TO THE LAKE FOREST REDEVELOPMENT AGENCY, APPROVING AND ADOPTING AN AMENDED ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177.

- *17. ADOPTION OF AN INITIAL DRAFT RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE submitted by Assistant City Manager. (F: 0660-45)

ACTION: The City Council acting as the Successor Agency for the former Lake Forest Redevelopment Agency, adopted Resolution No. 2012-13 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AS THE SUCCESSOR AGENCY TO THE LAKE FOREST REDEVELOPMENT AGENCY, APPROVING AND ADOPTING AN INITIAL DRAFT OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE, SECTION 34177(I).

- *18. ADOPTION OF AB 936 RESOLUTIONS RELATED TO REDEVELOPMENT AGENCY LOAN FORGIVENESS submitted by Assistant City Manager. (F: 0660-10)

ACTION: The City Council: 1. Acting as the City Council adopted Resolution No. 2012-14 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REGARDING FORGIVENESS OF LOANS TO AND FROM PUBLIC BODIES AS REQUIRED BY HEALTH AND SAFETY CODE, SECTION 33354.8.

2. Acting as the Successory Agency to the former Lake Forest Redevelopment Agency the City Council adopted Resolution No. 2012-15 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AS THE SUCCESSOR AGENCY TO THE LAKE FOREST REDEVELOPMENT AGENCY, REGARDING FORGIVENESS OF LOANS TO AND FROM PUBLIC BODIES AS REQUIRED BY HEALTH AND SAFETY CODE, SECTION 33354.8.

DISCUSSION/ACTION ITEMS:

19. REPEAL OF AB1X 27 REDEVELOPMENT AGENCY CONTINUATION ORDINANCE submitted by Assistant City Manager. (F: 0660-40)

Staff report dated February 21, 2012 was introduced.

ACTION: On motion by Council Member Herzog and second by Council Member Tettermer, the City Council introduced for first reading Ordinance No. 240 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REPEALING ORDINANCE NO. 233 ELECTING TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO HEALTH AND SAFETY CODE 34192 ET SEQ. MOTION CARRIED with Council Member Rudolph absent.

This item was taken out of order:

21. INITIATION OF PROCEEDINGS TO CONSIDER THE ESTABLISHMENT OF COMMUNITY FACILITIES DISTRICT NO. 2010-01 (SERRANO SUMMIT) submitted by Assistant to the City Manager. (F: 0340-22)

Council Member Tettermer recused himself and left the dais at 7:18 p.m.

Staff report dated February 21, 2012 was introduced.

ACTION: On motion by Council Member Herzog and second by Mayor McCullough, the City Council adopted Resolution No. 2012-16 entitled: 1. A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST WITH RESPECT TO ESTABLISHMENT OF PROPOSED CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT NO. 2010-01 (SERRANO SUMMIT) AND THE ESTABLISHMENT OF IMPROVEMENT AREAS THEREIN.

2. Adopted Resolution No. 2012-17 entitled: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST DECLARING NECESSITY FOR PROPOSED CITY OF LAKE FOREST COMMUNITY FACILITIES DISTRICT NO. 2010-01 (SERRANO SUMMIT) TO INCUR A BONDED INDEBTEDNESS WITHIN EACH IMPROVEMENT AREA THEREOF.

3. Adopted Resolution No. 2012-18 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST APPROVING AND AUTHORIZING EXECUTION OF A FUNDING AGREEMENT AND AN IMPLEMENTING AGREEMENT RELATING TO COMMUNITY FACILITIES DISTRICT 2010-01 (SERRANO SUMMIT). MOTION CARRIED with Council Member Rudolph absent and Council Member Tettermer recused (absent from the dais).

20. REVISED RECREATION CENTER CONCEPTUAL PLANS submitted by Director of Community Services. (F: 0730-30)

Staff report dated February 21, 2012 was introduced.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council approved the revised Recreation Center Conceptual Plans and authorized the architect to prepare construction level plans and specifications for the Lake Forest Recreation Center and two restroom/concession buildings. MOTION CARRIED with Council Member Rudolph absent.

22. DISCUSSION OF ZONING CODE PROVISIONS FOR OUTDOOR STORAGE AND DISPLAY submitted by Director of Development Services. (F: 0610-05)

Staff report dated February 21, 2012, was introduced.

The following members of the public offered comments: J.J. Marcoz and Steve Combs.

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

23. LEGISLATIVE AND REGULATORY MATTERS submitted by Assistant to the City Manager. (F: 0480-75)

Council Member Herzog requested comparisons of AB 1585, SB 684, and SB 654.

Council Member Voigts asked staff to provide information on AB 1455.

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

24. 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:

Council Member Herzog offered comments.

Council Member Rudolph was absent.

Council Member Tetteimer offered no comments.

Mayor Pro Tem Voigts offered comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 8:13 p.m.