

MINUTES OF A REGULAR MEETING
OF THE LAKE FOREST CITY COUNCIL

The regular meeting of the Lake Forest City Council held June 4, 2013 at the Lake Forest Council Chamber 25550 Commercentre Drive Lake Forest, California 92630 was called to order at 5:40 p.m.

ROLL CALL:

Council Members:	Peter Herzog Adam Nick Dwight Robinson
Mayor Pro Tem: Mayor	Kathryn McCullough Scott Voigts
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Stephanie D. Smith

RECESS: City Council recessed at 5:40 p.m. for the purpose of conducting Closed Session Business.

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APNs 606-341-01, 606-341-03, 606-341-04, 606-341-05, 606-341-06, 606-341-07, 606-351-01, 606-161-28, 606-161-30, 606-161-31, 606-321-01, 606-321-02, 606-321-03, 606-321-04, 606-321-05, 606-321-07, 606-321-08, 606-321-09, 606-331-01, 606-331-02, 606-331-03, 606-332-01, 606-351-03

Agency negotiators: City Manager and City Attorney
Negotiating parties: Sun Ranch Capital Partners, LLC and USA Portola Properties, LLC
Under Negotiation: Price and Terms of Payment for Dedication/
Acquisition under Implementing Agreement
2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor
Unrepresented employee: City Manager
3. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: City Manager
Unrepresented employee: All Employees

ACTION: Conducted Closed Session.

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

RECONVENE: City Council reconvened at 7:05 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

The Invocation was led by Mayor Pro Tem McCullough.

PLEDGE OF ALLEGIANCE:

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

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action from Closed Session. He noted at a previous Closed Session meeting the City Council took action that has since become final. City Council gave the City Attorney and City Manager direction to enter into a memorandum of understanding by and between test claimant permittees regarding sharing the cost for the common task associated with the prosecutorial defense of unfunded State mandates claim. This to comply with the edicts of both the Santa Ana Regional Water Quality Control Board and the San Diego Regional Water Quality Control Board; this action to seek State reimbursement of those mandates.

PRESENTATIONS:

There were no items scheduled for Presentation.

REPORT FROM STUDENT LIAISON:

Jens Personious, Student Liaison for El Toro High School, presented his final report. He introduced Jeff Domenech, Student Liaison for the 2013-14 school year. Mayor Voigts presented congratulatory gifts to Mr. Personious as he begins his studies at Irvine Valley College.

PUBLIC COMMENTS:

The following members of the public offered comments:

Merry Axelrod, Lake Forest resident, spoke in favor of term limits. She referenced a constitutional amendment that limits the President to two terms.

Jim Gardner spoke regarding crime statistics and suggested changes to the City's website.

Scott Drapkin, Lake Forest resident, spoke in support of a soccer park on City property adjacent to Lake Forest Drive.

Doug Cirbo, Lake Forest resident, Chair of the Lake Forest AYSO Soccer, spoke in support of an arena soccer park.

James Matthews, Lake Forest resident, spoke in favor of an arena soccer park. He supported locating a park at the city owned property on Lake Forest Drive.

Gregory Raths, Mission Viejo resident, spoke regarding his candidacy for the 45th Congressional seat.

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

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

MOTION: On motion by Council Member Robinson and second by Council Member Herzog, the City Council approved the warrant register in the amount of \$1,248,062.74 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5- 9)

MOTION: On motion by Council Member Robinson and second by Council Member Herzog, the City Council approved Consent Calendar Item Nos. *5-9. MOTION UNANIMOUSLY CARRIED.

- *5. 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.

- *6. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MAY 7, 2013 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *7. FISCAL YEAR 2012-2013 THIRD QUARTER TRAVEL AND MEETING EXPENSES - JANUARY 1, 2013 - MARCH 31, 2013 submitted by City Clerk.

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

- *8. AWARD OF CONTRACT FOR PAYROLL AND HUMAN RESOURCES MANAGEMENT SERVICES submitted by Director of Finance/City Treasurer.

ACTION: The City Council: 1. Approved the selection of Automated Data Processing, Inc. to provide Payroll and Human Resources Management Services. 2. Authorized the Mayor to sign, and the City Clerk attest, the agreement with Automated Data Processing, Inc.

- *9. UPDATED LOCAL IMPLEMENTATION GUIDELINES FOR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) submitted by Director of Development Services.

ACTION: The City Council adopted Resolution No. 2013-09 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE 21000 ET SEQ.).

DISCUSSION/ACTION ITEMS:

10. AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR SOLID WASTE COLLECTION SERVICES submitted by Director of Public Works/City Engineer.

City Manager Dunek introduced the staff report dated June 4, 2013.

Public Works Director Wheeler provided a brief report in follow up to the May 21, 2013 City Council meeting. He summarized the items of Council's concerns, which included the two recycling coordinators and the food scrap program, noting it is not a residential program but a commercial program in compliance with AB 341. Another concern he addressed included the trash truck trips; he noted no new trips are anticipated, possibly more trips in the recycling area which would reduce residential pickups overall. He stated air quality requirements will continue to be in compliance with existing State regulations. He stated staff resolved the AB 939 fee which essentially is a recovery for the cost of the contract with EcoNomics. He stated the General Fund will not subsidize the cost associated with recycling.

Public Works Director Wheeler introduced William O'Toole and Trevor Blythe, Associates of EcoNomics. He noted their expertise is in implementing recycling programs as is before Council for consideration.

Mr. Blythe provided an overview of data to support the need for two recycling coordinators in the city. He noted Assembly Bill 341 requires by July 2012, all businesses to participate in recycling, with a goal of 50 percent diversion rate by 2020. He noted the City is currently at 6.5 percent. The recycling coordinators will work with the business community to increase and assist the city in meeting the required recycling

mandates.

Mayor Voigts asked of the 804 businesses that could recycle how many actually are recycling.

Mr. Blythe reported 276.

Mayor Voigts suggested at some point the two inspectors will not be necessary once the compliance level is at 80 percent.

Mr. O'Toole stated in section 4.12 of the draft contract, once the compliance level is satisfied, the city can invoke the contract section that states the city is in compliance; two inspectors are not necessary and continue to operate with one recycling coordinator in place. He noted section 12.07 provides for a reduction in rates once compliance is met.

Council Member Herzog suggested adding a contract review provision in four years. He stated a provision in AB 341 gives the state the right to review what cities are doing to see ensure a good faith effort. Now that the city has to demonstrate to the state the city is mandating compliance, the city should agree with the recycling coordinators to help meet the good faith effort test.

Mayor Pro Tem McCullough asked if an update should be more frequently than every four years.

Mr. O'Toole noted the contract stipulates meetings with the hauler annually. These reports can be forwarded to the state, to lessen the state's concerns.

Council discussion continued.

Mayor Voigts would like the ability to see the waste management and recycling centers that are being proposed. He noted he wants to visit the sites. He stated he wants to strike the requirement that Council Members cannot tour the facilities and meet with proposers.

Council Member Herzog suggested if Council needs a tour, it can be set up through EcoNomics, and done in a manner that is consistent with the no-contact provision.

Mayor Pro Tem McCullough stated business should be conducted at the Council meetings.

Mayor Voigts made a motion to strike the no-contact clause. Council Member Nick seconded the motion.

Council Member Robinson suggested rather than getting to a final recommendation

stage, provide for the top three companies to come to a meeting and make a presentation.

Mayor Voigts asked if Council could have a workshop with potential collection providers.

City Manager Dunek stated it can be arranged if it is Council's discretion.

Mayor Pro Tem McCullough amended the motion to allow each of the haulers the chance to come to a workshop meeting.

Mayor Voigts called for the vote.

MOTION: On motion by Mayor Voigts and second by Council Member Nick, the City Council: 1. Approved the Request for Proposals for Residential Solid Waste Collection Services and Commercial Solid Waste Collection Services amended to remove the no-contact clause. 2. Authorized staff to solicit proposals. 4. Provided for Council at their discretion to host a workshop to meet with all potential providers. MOTION CARRIED with Council Member Herzog opposed.

11. REQUEST FOR PROPOSALS FOR LEGISLATIVE AND GRANT CONSULTING SERVICES submitted by City Manager.

RECESS: The City Council recessed at 8:36 p.m.

RECONVENE: The City Council reconvened at 8:43 p.m.

City Manager Dunek provided a brief report dated June 4, 2013.

The following members of the public offered comments:

Marcia Rudolph, Lake Forest resident, spoke in favor of the Request For Proposal process.

Jim Gardner, Lake Forest resident, suggested the city should use measurements such as key performance indicators in selecting a consultant.

Council Member Herzog noted there are two alternate grant procurement options. He stated the alternate options would be good to put into the proposed grant RFP's.

MOTION: On motion by Mayor Voigts and second by Council Member Nick, the City Council: 1. Approved the Request for Proposal for Legislative and Grant Consulting Services amending the RFP to include the Alternative Grant Procurement Options as defined in the staff report. 2. Authorized staff to solicit and receive proposals for these services. MOTION UNANIMOUSLY CARRIED.

12. FIVE-YEAR PLAN REVIEW submitted by City Manager.

City Manager Dunek provided a brief summary of the report dated June 4, 2013. He suggested this final draft is for Council's review and comment identifying any desired changes before staff presents the final version for adoption the second meeting in June. He stated modifications were made based on Council's input. He continued Council inquired to the possibility of an arena soccer park on the city owned parcel known as Whispering Hills. Staff has provided a rough overview of cost and is looking for direction if Council would like this included in the Five-Year Plan. He noted there is approximately \$521,000 left in the Capital Improvements Project and asked if Council would want to incorporate this into the budget for next year.

City Manager Dunek noted Council Member Herzog asked for more traffic counts at the Portola Parkway gap closure. Staff identified the cost at approximately \$10,000 and asked would Council want to budget for this next year.

Lastly, City Manager Dunek stated Council was interested in locations for an off-leash dog park. He noted staff has included this in the plan, but would require an adjustment in terms of budget figures at a future point. Also the refurbishing of Village Pond Park is already a part of the plan but does not have any money allocated.

Mayor Voigts asked with the Parks and Recreation Commission reviewing the proposed dog park and its location, does Council need to put a place-holder for this item in the budget.

City Manager Dunek suggested it would be appropriate to have a place holder number however; the range varies widely based on type and number of facilities. The Park and Recreation Commission has concentrated the search to parcels the city owns.

Mayor Voigts asked for the lot size being considered.

Staff reported the Park and Recreation Commission is rating eight to nine parks and hope to have recommendations for Council in July.

Council Member Herzog suggested the Portola gap closure would impact Lake Forest Drive. This is critical with the developments of the Great Park in Irvine, and the Shea/Baker Ranch development. He noted the increased trip count in a preliminary review would alert the County to the need for the gap closure. He asked for a consensus to move forward with incorporating the cost into next year's budget.

CONSENSUS: Staff will incorporate the Portola gap closure into the budget for 2014.

Mayor Voigts asked for further exploration of the Whispering Hills property for an arena soccer. He asked for it to be included in the Five-Year Plan.

Council Member Herzog suggested staff research the cost estimates for Village Pond Park and the proposed dog park.

City Manager Dunek stated the arena soccer would be undertaken in year three of the two year CIP as well as included in the Five-Year Plan.

Mayor Voigts asked for consensus to include the arena soccer in both the Five-Year Plan and the Two-Year CIP.

CONSENSUS: Staff will incorporate arena soccer in the 2013-2018 Five-Year plan and the two-year Capital Improvement Projects.

ACTION: The City Council provided input and direction on the Draft 2013-2018 Five-Year Strategic Plan.

13. CONSIDERATION OF IMPLEMENTATION OF ELECTRONIC DEVICES (IPADS) FOR THE DELIVERY OF THE CITY COUNCIL AND COMMISSION AGENDA PACKETS submitted by Deputy City Manager/Director of Management Services.

City Manager Dunek provided a brief summary of the report dated June 4, 2013. He asked Council for their consideration of the implementation of electronic devices for the delivery of both Council and Commission agenda packets. He suggested it would be appropriate to concurrently develop an iPad use policy. City Manager Dunek asked for Council to provide direction.

The following members of the public offered comments:

Marcia Rudolph, Lake Forest resident, suggested it would be appropriate for the Council and Commissioners to have an option to use paper or an iPad.

Council Member Nick stated having electronic devices is cost effective. He recommended making it optional. He added that individual Council Members should be responsible for the cost.

Council Member Herzog suggested the iPad should be the personal property of the user. He noted under State law and transparency, the public has to have the same ability to view what is provided to Council. He recommended any iPad's use during public meetings be restricted to the meeting agenda; no viewing of personal documents or other materials not pertaining to the meeting.

Council discussion continued.

Mayor Pro Tem McCullough moved to have staff return with additional information and a recommended policy for the use of electronic devices at both Council and Commission meetings. Mayor Voigts seconded the motion and called for the vote.

Council Member Herzog stated the electronic device should be personally owned and

used at the dais only for city business.

Mayor Pro Tem McCullough supported the use of an iPad and recommended they be provided by the city. She expressed concern that the information contained in the iPad would be open to public scrutiny.

City Clerk Smith stated city information on personal devices is discoverable.

Mayor Voigts stated he supported the use and recommended they be purchased by the city. He moved for staff to provide more information and bring the item back to Council for consideration.

Council Member Robinson moved to allow for the use of personal devices and direct staff to create a policy. Mayor Pro Tem McCullough seconded the motion.

Council Member Herzog made a motion for Council and Commission Members to provide their own personal devices with no cost to the city. Council Member Nick seconded the motion.

MOTION: On motion by Council Member Herzog and second by Council Member Nick, the City Council approved allowing Members of the Council and Commissions to provide their own electronic devices at the dais at no cost to the city. MOTION CARRIED with Mayor Pro Tem McCullough opposed.

14. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager.

ACTION: Receive and file.

City Manager Dunek provided a brief report dated June 4, 2013. He reported staff did identify and recommend Council oppose Senate Bill 7; it was passed out of Senate to the Assembly.

Council Member Herzog reported on the two staff recommendations, to watch Senate Bill 741 and oppose on Senate Bill 7. He moved Council accept staff's recommendations. Mayor Voigts seconded the motion.

Mayor Pro Tem McCullough noted SB 173 affects senior educational programs, She requested additional information be provided by staff.

MOTION: On motion by Council Member Herzog and second by Mayor Voigts, the City Council accepted staff recommendations. MOTION UNANIMOUSLY CARRIED.

15. 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 no comments.

CITY COUNCIL COMMENTS:

Council Member Herzog offered no comments.

Council Member Nick requested consensus to add for discussion serving refreshments at both the Park and Recreation and Planning Commission meetings.

CONSENSUS: Staff will agendize for discussion serving refreshments at both the Park and Recreation and Planning Commission meetings.

Council Member Robinson offered no comments.

Mayor Pro Tem McCullough in compliance with AB 1234, reported attending the Orange County Council of Governments meeting, the Orange County Fire Authority Board meeting, the Orange County Special Needs in Transit Advisory Committee, the Mental Health Services Act Steering Committee, participated in Memorial Day services at the City of Mission Viejo and El Toro Memorial Park, the ribbon cutting for Cuca's Mexican Restaurant in Foothill Ranch, and she reminded the audience of Flag Day June 14, and Father's Day June 16.

Mayor Voigts reported attending the ribbon cutting for Cuca's Mexican Restaurant in Foothill Ranch.


CONTINUED CLOSED SESSION:

There was no continued Closed Session.

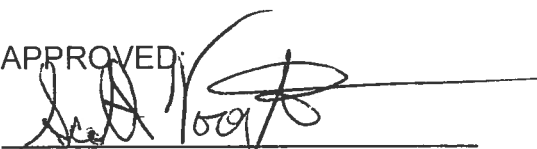
ADJOURNMENT:

The City Council of the City of Lake Forest adjourned both the City Council and Lake Forest Housing Authority meetings at 9:55 p.m.

Respectfully submitted:


STEPHANIE D. SMITH, CMC
CITY CLERK

APPROVED:


SCOTT VOIGTS
MAYOR