

MINUTES OF A REGULAR MEETING
OF THE LAKE FOREST CITY COUNCIL

The regular meeting of the Lake Forest City Council held November 5, 2013 at the Lake Forest Council Chamber 25550 Commercentre Drive Lake Forest, California 92630 was called to order at 5:30 p.m.

ROLL CALL:

Council Members:	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 5:30 p.m. for the purpose of conducting Closed Session Business.

CLOSED SESSION

City Manager Dunek, Mayor Voigts and Council Member Robinson convened at 5:40 p.m. with outside counsel Dan Wildish with regard to Agenda Item No. 1. Mayor Pro Tem McCullough had an excused absence.

The City Council convened Closed Session at 5:50 p.m. with Mayor Voigts, Council Member Nick, and Council Member Robinson to discuss Agenda Item No. 2.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Nick v. City of Lake Forest
Case Number: 30-2011-00489104-CU-WM-CJC

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APNs 610-421-07 through 09; 610-422-01; 610-431-01 through 12;
410-432-01 through 17; 612-132-01 and 612-134-05
Agency negotiators: City Manager and City Attorney
Negotiating parties: Shea Baker Ranch Associates
Under Negotiation: Price and Terms of Payment for Dedication/Acquisition
under Implementing Agreement

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:15 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened 7:00 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

INVOCATION: The Invocation was led by Council Member Nick.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of our Country was led by Mayor Voigts who deferred to Boy Scout Troop 604.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action. He noted Mayor Pro Tem McCullough had an excused absence and both Mr. Nick and Mr. Smith did not participate in discussion of Agenda Item No. 1 due to a conflict of interest. Mayor Voigts and Council Member Robinson met briefly with outside Counsel to discuss the item. At 5:50 p.m. Closed Session convened with Member Nick and Mr. Smith present to discuss Agenda Item No. 2.

PRESENTATIONS:

3. REPORT BY INVESTMENT OVERSIGHT REVIEWER - QUARTER ENDING SEPTEMBER 30, 2013 submitted by Director of Finance City Treasurer.

MOTION: On motion by Council Member Robinson and second by Mayor Voigts, the City Council received and filed the report presented by Kathy V. Lai with the firm of Macias, Gini & O'Connell.

REPORT FROM STUDENT LIAISON:

Jeff Domenech, Student Liaison from El Toro High School, presented his report.

PUBLIC COMMENTS:

The following members of the public offered comments:

Marcia Rudolph, Lake Forest resident, offered birthday wishes to Mayor Pro Tem McCullough, and expressed her appreciation for the new stadium at El Toro High School.

Kevin Donohoe, Lake Forest resident, spoke regarding the adoption of the 1st Law Enforcement Marine Corps Battalion. He stated there are no funds to provide the

transportation of the Marines for a celebration November 16, thus they will postpone the event. He stated community members are attempting to raise money for the transportation donated for a rescheduled date in 2014.

Mayor Voigts asked how much money was needed, and offered to start the fundraising with \$200.

Mr. Donohue, stated cost was between \$3,000 and \$4,000.

Council Member Nick offered to donate \$200.

Council Member Robinson requested Mr. Donohue contact him regarding financial support.

Mayor Pro Tem McCullough stated her husband is on the committee. She reported the Commander gave his word they wouldn't ask the city for money, and joined her colleagues in donating funds. She further expressed hope the residents and the corporate and businesses can join in as well.

Bob Holtzclaw, Lake Forest resident, spoke regarding street sweeping. He stated he addressed this issue at a Planning Commission meeting. He suggested the city needs to incorporate a traffic committee to address the various traffic and parking issues.

Jim Gardner, Lake Forest resident, spoke regarding various city commissions, committees, and boards. He also addressed the need for the city to utilize businesses within Lake Forest more for various services.

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

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

A member of the public pulled the warrant register for separate consideration.

Jim Gardner, Lake Forest resident, addressed his concerns that the City does not use local businesses enough for various city purchases.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Robinson, the City Council approved the warrant register in the amount of \$3,722,652.35 as submitted. MOTION UNANIMOUSLY CARRIED.

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

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Robinson, 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 OCTOBER 1, 2013, submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *7. ADOPTION OF ORDINANCE NO. 257 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, ADDING PROVISIONS RELATED TO MEDICAL MARIJUANA DISPENSARIES TO TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE submitted by City Clerk.

ACTION: The City Council conducted the second reading of Ordinance No. 257 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING PROVISIONS RELATING TO MEDICAL MARIJUANA DISPENSARIES TO THE ZONING CODE. 2. Adopted Ordinance No. 257.

- *8. STATUS OF COMPLIANCE WITH NPDES STORMWATER PERMITS FIRST QUARTER FISCAL YEAR 2013-2014 submitted by Director of Public Works/City Engineer.

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

- *9. NOTICE OF COMPLETION FOR SLURRY SEAL PROJECT (PW 2011.01B) submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Found that Roy Allan Slurry Seal, Inc. has completed construction of the Slurry Seal Project on Various Streets (PW2011.01B). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized release of the five percent retention payment to the contractor in the amount of \$38,786.37, 30 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.

PUBLIC HEARING(S):

- 10. AREA PLAN 2008-01, TENTATIVE TRACT MAPS 17300 AND 15353 AND SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE PORTOLA CENTER PROJECT, A REQUEST FOR 930 HOMES, 10,000 SQUARE FEET OF COMMERCIAL USES, PARKS, AND PERIMETER TRAIL, LOCATED AT

THE INTERSECTION OF GLENN RANCH ROAD AND SADDLEBACK RANCH ROAD IN THE PORTOLA HILLS PLANNED COMMUNITY submitted by Director of Development Services.

City Manager Dunek introduced Development Services Director Gayle Ackerman who provided the staff report dated November 5, 2013, and also thanked Development Services staff for their hard work on the project.

Stephen M. Haase, Senior Vice President Forward Planning of Baldwin & Sons, LLC, provided a presentation for the project.

Council Member Robinson stated he supports the development and appreciates the blending of the project with the existing community. He inquired to the proposed \$2.9 million projected to go the local schools.

Mr. Haase stated the funds are meant to be spent according to the study conducted and it will be up to the community to ensure the district disperses the funds accordingly.

Mayor Voigts opened the Public Hearing for public comment.

City Clerk Smith stated although there were no public speakers, ten residents provided written comments in support of the project.

Mayor Voigts closed the public portion of the Public Hearing.

Mayor Pro Tem McCullough asked if a covenant was in place for affordable housing.

City Attorney Smith stated it was in place for the next 50 years.

Mayor Pro Tem McCullough asked if the homes would be supported by solar energy. She inquired about the project location and if a setback from the street was in place to reduce street noise, and expressed concerns about greenhouse gases from emissions.

Mr. Haase stated the homes incorporated energy efficient designs. He noted the noise source was addressed in the traffic study and the development incorporates mitigation of traffic and grade changes to minimize noise. Additionally he stated the project minimizes the effects of greenhouse gases.

Council discussion continued.

MOTION: On motion by Council Member Nick and second by Mayor Voigts, the City Council: Adopted Resolution No. 2013-43 entitled:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING

CONSIDERATIONS, CERTIFYING THE PORTOLA CENTER PROJECT SUBSEQUENT FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2012061063), ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE PORTOLA CENTER PROJECT (AREA PLAN 2008-01 and TENTATIVE TRACT MAPS 17300 and 15353) (ASSESSORS PARCEL NUMBERS: 606-161-31, 606-321-07, 606-321-11, 606-321-12, 606-321-13, 606-321-14, 606-331-04, 606-331-05, 606-332-01, 606-341-08, 606-341-09, 606-351-03, 606-351-04, and 606-351-07).

2. Adopted Resolution No. 2013-44 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AREA PLAN 2008-01 FOR THE PORTOLA CENTER DEVELOPMENT (ASSESSOR'S PARCEL NUMBERS: 606-161-31, 606-321-07, 606-321-11, 606-321-12, 606-321-13, 606-321-14, 606-331-04, 606-331-05, 606-332-01, 606-341-08, 606-341-09, 606-351-03, 606-351-04, and 606-351-07).

3. Adopted Resolution No. 2013-45 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 17300 (NORTH) FOR THE PORTOLA CENTER DEVELOPMENT (ASSESSOR'S PARCEL NUMBERS: 606-161-31, 606-321-07, 606-321-11, 606-321-12, 606-321-13, 606-321-14, 606-331-04, 606-331-05, 606-332-01).

4. Adopted Resolution No. 2013-46 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 15353 (SOUTH) FOR THE PORTOLA CENTER DEVELOPMENT (ASSESSOR'S PARCEL NUMBERS: 606-341-08, 606-341-09, 606-351-03, 606-351-04, and 606-351-07). MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

11. CONSIDERATION OF AN ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE IN PUBLIC PLACES submitted by City Manager.

City Manager Dunek introduced the staff report dated November 5, 2013. He stated at Council's direction the City has advanced an ordinance regarding feeding wildlife within the city noting the actions taken are in response to issues with Village Pond Park. He noted the Council identified the need to improve the amenities, and these improvements will help mitigate the concerns related to the wildlife. Concurrent with that action, staff is also evaluating additional alternatives. He suggested continuing the discussion of this item to the November 19, 2013 City Council meeting.

Mayor Pro Tem McCullough reported both she and Council Member Robinson attended the Village Pond Park community meetings and the homeowners association stated they would consider incorporating the wildlife regulations into their homeowners association Covenants, Conditions & Restrictions (CCR's). Mayor Pro Tem McCullough requested staff contact the HOA representatives to confirm the language was added to the homeowners CCR's.

MOTION: On motion by Council Member Nick and second by Council Member Robinson, the City Council continued the item until the November 19, 2013 City Council meeting. MOTION UNANIMOUSLY CARRIED.

12. CONSIDERATION OF POLICY PROHIBITING THE USE OF ELECTRONIC DEVICES BY MEMBERS OF CITY LEGISLATIVE BODIES AND ADVISORY BOARDS DURING PUBLIC MEETINGS submitted by Deputy City Manager/Director of Management Services.

Jim Gardner, Lake Forest resident, stated he is opposed to banning the use of electronic devices at Council meetings.

Mayor Voigts stated his opposition to prohibiting the use of electronic devices during City Council meetings.

Mayor Pro Tem McCullough stated a previous discussion included the use of i-pads. She recommended the use of i-pads be considered as a separate item and reviewed at a future council meeting.

MOTION: On motion by Council Member Nick and second by Council Member Robinson, the City Council continued the current policy approving the use of electronic devices such as smart phones, tablet computers or laptops by members of the City Council or Commissions during public meetings of the respective bodies. Council will consider the discussion of purchasing of i-pads at a future Council meeting. MOTION UNANIMOUSLY CARRIED.

13. CONSIDERATION OF APPLICATION PROCESS FOR CITY COUNCIL MEMBER APPOINTMENT submitted by Deputy City Manager/Director of Management Services.

City Manager Dunek introduced the report dated November 5, 2013.

Tim Morrissette, Lake Forest resident, addressed the resignation of Council Member Herzog and suggested various qualifications a Council appointee should possess in order to hold the position.

Mayor Voigts recommended modifying the application by reducing the number of questions. He summarized the need for an appointment process versus holding a special election.

Mayor Pro Tem McCullough suggested modifications to the application.

City Clerk Smith provided an overview of the various components to the application package.

City Manager Dunek suggested the application could be available for a two-week period both on-line and in the Clerk's office. He recommended the City Clerk would refine the application with Council's recommendations and schedule the application timeframe.

ACTION: The City Council provided comments to complete the application process for the appointment of one member of the City Council.

14. 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: City Clerk Smith introduced the staff report dated December 5, 2013. She noted the City Selection Committee opportunities for Council's review. The Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Nick requested consensus for staff to agendize a Sunshine Ordinance for Council's review. He also requested re-agendizing the Closed Session discussion from August 20, 2013 related to Baker Ranch Associates property, when the new council member is seated.

CONSENSUS: Staff will agendize for Council's discussion the potential creation of a Sunshine Ordinance. Additionally, staff will agendize for Closed Session discussion the August 20, 2013 Baker Ranch Associates property item after the selection of the new council member.

Council Member Robinson suggested reforming agenda reporting. He asked for consensus to agendize reform of the investment oversight review reporting to annual or semi-annual rather than quarterly.

CONSENSUS: Staff will agendize for Council's consideration The Investment Oversight Reviewer agenda report provided to Council on a semi-annual basis rather than quarterly.

Council Member Robinson suggested for future discussion consider reducing the Status of Compliance with NPDES permits to a semi-annual reporting rather than quarterly. He asked Public Works to provide a slurry seal update on Cheyenne Way. He also recommended Council receive the Request for Appointment agenda item only when there are appointments available.

CONSENSUS: Staff will agendize the Status of Compliance with NPDES permits for Council's consideration of review on a semi-annual rather than quarterly basis. Staff will also agendize for Council's future consideration of the Request for Appointment agenda report on an as needed basis.

Council Member Robinson requested the original contract extension for street sweeping brought back before Council.

CONSENSUS: Staff will agendize the original street sweeping amendment contract for Council's consideration.

Mayor Pro Tem McCullough in compliance with AB 1234, reported attending the Southern California Association of Governments (SCAG) meeting, Regional Housing Needs Assessment (RHNA) meeting, and the Orange County Council of Governments (OCCOG) meeting. She also reported attending the El Toro High School ribbon cutting and the Trauma Intervention Program (TIP) Hero with Heart dinner. She requested consensus to agendize an update from the proper authorities regarding the widening of the I-5 freeway from Avery to El Toro Road. She also requested review of the various streets within the city needing asphalt repair.

CONSENSUS: Staff will request a presentation regarding the I-5 widening project by the Orange County Transportation Authority and Caltrans.

Mayor Voigts offered no comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 9:29 p.m.

Respectfully submitted:


STEPHANIE D. SMITH, CMC
CITY CLERK

APPROVED:


SCOTT VOIGTS
MAYOR