

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
October 16, 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:

5:43 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 (F: 0410-30)

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation
Pursuant to subdivision (b) Government Code Section 54956.9(b)
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 6:53 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:02 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.

PRESENTATIONS:

There were no items scheduled for Presentation.

REPORT FROM STUDENT LIAISON: (F: 0150-65)

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

PUBLIC COMMENTS:

The public offered no comments:

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 3)

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

Council Member Tetterer disclosed he is an employee of the Irvine Ranch Water District (IRWD); he does not work for the department which handles rate setting or billings; because IRWD, a public agency, is the only available purveyor of water in areas of the City, he has concluded, in consultation with the City Attorney, he has a non-interest in this warrant; and having made this disclosure he is permitted to vote on this item.

Council Member Rudolph pulled the following items for separate consideration: AT&T CALNET2 and Department of Housing Community Development.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council approved the balance of the warrant register. MOTION UNANIMOUSLY CARRIED.

Council Member Rudolph reported the AT&T warrant applied to her facsimile line used for personal business and she has reimbursed the City directly.

ACTION: On motion by Council Member Rudolph and second by Mayor McCullough, the City Council approved the warrant payable to AT&T CALNET2. MOTION UNANIMOUSLY CARRIED.

Council Member Rudolph inquired to the Department of Housing Community Development mobile home transfer fees.

Staff reported at the time the Redevelopment Agency dissolved, it had issued housing and rehabilitation loans. The Agency transferred the lien from the Agency to the Authority, the amount applied to the transfer fees.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council approved the warrant payable to Housing and Community Development. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 4 - 13)

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem Voigts, the City Council approved the Consent Calendar Item Nos. *4-7, *9, and *11-13. MOTION UNANIMOUSLY CARRIED.

- *4. 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.

- *5. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON SEPTEMBER 18, 2012 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *6. 3RD QUARTER COMMISSION ATTENDANCE REPORT submitted by City Clerk. (F: 0120-05)

ACTION: The City Council approved Commission absences as excused.

- *7. QUARTERLY SIX MONTH CONTRACT EXPIRATION REPORT submitted by City Clerk. (F: 0400-05)

ACTION: Receive and file report.

- *9. NOTICE OF COMPLETION FOR STREET RESURFACING ON VARIOUS STREETS PROJECT PW 2009.08C submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Found that All American Asphalt, of Corona California, has completed construction of the Street Resurfacing Project on Various Streets PW 2009.08C. 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, California, 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 \$181,781.07, 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.

- *11. REQUEST FOR PROPOSALS FOR HOUSING ELEMENT CONSULTANT SERVICES submitted by Director of Development Services. (F: 0370-32)

ACTION: The City Council: 1. Approved the Request for Proposals (RFP) for Housing Element Consultant Services. 2. Authorized staff to solicit proposals from consultants utilizing the RFP substantially in the form attached.

- *12. FIRST AMENDMENT TO AGREEMENT FOR TRAFFIC CONSULTING SERVICES FOR PORTOLA CENTER DEVELOPMENT submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Approved the First Amendment to the agreement with Stantec Consulting, substantially in the form attached. 2. Authorized the Mayor to sign the First Amendment with Stantec Consulting.

- *13. REQUEST FOR PROPOSALS FOR ON-CALL GEOTECHNICAL SERVICES submitted by Director of Public Works/City Engineer. (F: 0370-32)

ACTION: The City Council: 1. Approved the Request for Proposals (RFP) for professional engineering services for On-Call Geotechnical Services. 2. Authorized staff to solicit proposals from consultants utilizing the City Council approved list of pre-qualified consultants.

PULLED CONSENT CALENDAR ITEMS:

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

Council Member Rudolph pulled this item for separate consideration. She asked when were the Alton Parkway bond proceeds deposited with US Bank in the 1st American Treasury Obligation fund, and when will the funds be distributed.

Staff reported the funds were deposited with the original COP for Alton Parkway and at the time that both Alton Parkway and Rancho Parkway are reconciled, the funds will be drawn down to replace the CIP.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Voigts, the City Council received and filed the report as submitted. MOTION UNANIMOUSLY CARRIED.

10. MEMORANDUM OF UNDERSTANDING FOR AMENDMENT OF THE MASTER PLAN OF ARTERIAL HIGHWAYS submitted by Director of Public Works/City Engineer. (F: 0400-10)

Council Member Rudolph pulled this item for separate consideration.

City Manager Dunek provided a brief report.

Council Member Rudolph asked what efforts have been made by the City of Lake Forest to circumvent the Ridge Route overcrossing.

City Manager Dunek suggested the City is under no obligation to make the project occur. Council in the past had directed there should be no overpass for Ridge Route. Staff purposely over mitigated El Toro Road to relieve pressure from Rockfield and Ridge Route.

ACTION: On motion by Council Member Herzog and second by Council Member Tetteimer, the City Council approved the Memorandum of Understanding C-0-1653 by and between Orange County Transportation Authority and the cities of Irvine, Laguna Hills, Laguna Woods, Lake Forest, and the County of Orange for Amendment of the Master Plan of Arterial Highways. **MOTION UNANIMOUSLY CARRIED.**

DISCUSSION/ACTION ITEMS:

14. MUNICIPAL CODE RECODIFICATION submitted by City Manager. (F: 0480-10)

Staff report dated October 16, 2012 was introduced.

ACTION: On motion by Council Member Herzog and second by Council Member Rudolph, the City Council introduced and approve for first reading Ordinance No. 247 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST CALIFORNIA, AMENDING VARIOUS PROVISIONS IN TITLES 5, 7 AND 9 OF THE LAKE FOREST MUNICIPAL CODE. **MOTION UNANIMOUSLY CARRIED.**

15. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager. (F: 0480-75)

City Manager Dunek presented the staff report.

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

16. 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: (F: 0410-36)

Council Member Herzog offered no comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Voigts offered comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 7:49 p.m.