

MINUTES OF A REGULAR MEETING
OF THE LAKE FOREST CITY COUNCIL

The regular meeting of the Lake Forest City Council held September 3, 2013 at the Lake Forest Council Chamber, 25550 Commercentre Drive, Lake Forest, California 92630 was called to order at 7:05 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

PUBLIC SESSION

The meeting was called to order at 7:05 p.m.

INVOCATION: 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.

PRESENTATIONS:

There were no items scheduled for Presentation.

RECESS: The City Council recessed at 7:08 p.m. from regular City business for the purpose of conducting the Special Meeting of the Successor Agency.

RECONVENE: City Council reconvened at 7:14 p.m., with all Members present to continue regular City business.

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, spoke regarding the PCN process and requested a wall map to be located in the Planning Department indicating the locations of ABC licensed establishments. She also apologized for her comments made from the audience during the previous Council meeting.

Elizabeth Smith, Lake Forest resident, spoke regarding the Brookfield Development discussed at the previous Council meeting, and addressed the comments made by Council Members during that particular meeting.

Jim Gardner, Lake Forest resident, spoke regarding ethics. He reviewed the Council-adopted Leadership Principles and the lack of process for reviewing acts of ethical violations.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 1)

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

Mayor Pro Tem McCullough pulled the warrant payable to Nieves Landscape for separate consideration.

MOTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough the City Council approved the balance of the warrant register as submitted. **MOTION UNANIMOUSLY CARRIED.**

Mayor Pro Tem McCullough suggested in review of Pittsford Park, the work was insufficient, there were patches of dead grass, and the seams of the grass created a walking hazard.

City Manager Dunek reported he visited the site several times and is aware of the existing conditions. He noted the City has a contract with Nieves Landscaping for all of the City's park maintenance, which has large implications for the city. The rehabilitation of the Pittsford Park could be extensive. He suggested a site visit with staff.

Public Works Director Wheeler noted the maintenance of the park was routine and not intended to be improvements. He suggested although the grass replacement was not ideal, the contractor will return to complete the work to the requested standards.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Herzog, the City Council approved the warrant payable to Nieves Landscape. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 2 - 10)

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Herzog, the City Council approved Consent Calendar Item Nos. *2-3 and *6-10.

MOTION UNANIMOUSLY CARRIED.

- *2. 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.

- *3. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 30, 2013, submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *6. REQUEST FOR PROPOSAL FOR ELECTRONIC IMAGING SERVICES (SCANNING) submitted by Deputy City Manager/Director of Management Services.

ACTION: The City Council: 1. Approved the Request for Proposal for Electronic Document Imaging (Scanning) Services. 2. Authorized staff to solicit proposals for these services.

- *7. APPROVAL OF FINAL TRACT MAP NO. 17528 submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Adopted Resolution No. 2013-34 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 17528, CREATING AN 111-NUMBERED LOT AND 9-LETTERED LOT SUBDIVISION FOR SINGLE FAMILY RESIDENTIAL PURPOSES ON 12.575 ACRES LOCATED ON CATALINA EAST OF DIMENSION DRIVE. 2. Approved the Subdivision Improvement Agreement with Toll CA VII, L.P., to construct the subdivision improvements associated with Final Tract Map No.17528. 3. Accepted the Subdivision Faithful Performance Bond and the Subdivision Labor and Materials Bond both in the amount of \$520,000, the Subdivision Warranty Bond in the amount of \$52,000, and the Subdivision Monumentation Bond in the amount of \$39,100, as surety for the construction of the subdivision improvements.

- *8. FIRST CONTRACT AMENDMENT FOR PARK RESTROOM JANITORIAL SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the first contract amendment with Xanadu Service Systems to provide park restroom janitorial services. 2. Authorized the Mayor to sign, and the City Clerk attest, the first amendment substantially in the form attached.

- *9. THIRD CONTRACT AMENDMENT FOR ELECTRICAL MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the third contract amendment with Lake Forest Electric to provide routine, on-call electrical maintenance services. 2. Authorized the Mayor to sign, and the City Clerk to attest, the third amendment substantially in the form attached.

- *10. ADOPTION OF THE 2013 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN submitted by Director of Public Works/City Engineer.

ACTION: The City Council adopted Resolution No. 2013-35 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING THE 2013 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN.

PULLED CONSENT CALENDAR ITEMS:

4. ADOPTION OF ORDINANCE NO. 255 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, APPROVING THE ADOPTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND FOOTHILL VILLAGE LLC submitted by City Clerk.

This item was pulled by a member of the public for separate consideration.

Jim Gardner, Lake Forest resident, spoke regarding the approval of the Trumark project noting what he perceived to be legal errors in the proposed Ordinance.

Council Member Herzog summarized his opposition to the Ordinance. He addressed perceived inaccuracies and stated code sections do not provide authority as stated.

City Attorney Smith reviewed the code and restated its provisions.

Council Member Robinson asked if the City Attorney was comfortable moving forward with approval by Council.

City Attorney Smith stated yes.

Council Member Nick made a motion to approve the item. Council Member Robinson seconded the motion.

Mayor Pro Tem McCullough noted potential litigation and challenges to this item if approved.

City Attorney Smith stated there are two issues, the City Council can delegate the decision making to the Planning Commission and under the same code, refer this item back to them. Secondly, the City Council has the ability to appeal a Planning

Commission decision and hear it de novo. There is no prejudice. He stated he has consulted thoroughly with additional legal counsel and those representing the applicants and all agree this is a sound approach.

Mayor Voigts asked if the Planning Commission recommended approval of the Trumark project, and did they perform a site visit.

Director of Development Services Ackerman stated the Planning Commission recommended approval and did not perform a site visit.

MOTION: On motion by Council Member Nick and second by Council Member Robinson, the City Council: 1. Conducted the second reading of Ordinance No. 255 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE ADOPTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND FOOTHILL VILLAGE LLC FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ. 2. Adopted Ordinance No. 255. MOTION CARRIED with Mayor Pro Tem McCullough and Council Member Herzog opposed.

5. ADOPTION OF ORDINANCE 256 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA APPROVING ZONE CHANGE 1-12-2376, AMENDING THE ZONING FOR 70 AUTO CENTER DRIVE FROM FOOTHILL RANCH PLANNED COMMUNITY COMMERCIAL TO FOOTHILL RANCH PLANNED COMMUNITY RESIDENTIAL submitted by City Clerk.

This item was pulled by a Member of the public for separate consideration.

Merry Axelrod, Lake Forest resident, spoke in opposition to the development. She stated the new housing would impact the schools in the area. She expressed appreciation to the Council Members opposed to the project.

Council Member Herzog stated the development company proposing the rezoning does not hold title to the property. He stated the City is obligated to notice the public who have businesses adjacent to the development. He noted staff had requested a market study which the developer declined to perform.

Council Member Robinson state he had no issues with the market study being performed, his concern was who would pay for it.

Council discussion ensued.

Mayor Pro Tem McCullough noted that Southern California Associations of Government (SCAG) offered to provide the market study at no cost to the developer.

Mayor Voigts elaborated on the history of the proposed development site.

Mayor Pro Tem McCullough stated their needs to be a jobs-to-housing balance within the city.

Council Member Nick asked for clarification that the approval of the project does not set a precedent.

City Attorney Smith stated this is not precedential.

MOTION: On motion by Council Member Nick and second by Council Member Robinson, the City Council: 1. Conducted the second reading of Ordinance No. 256 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA APPROVING ZONE CHANGE 1-12-2376, AMENDING THE ZONING FROM FOOTHILL RANCH PLANNED COMMUNITY COMMERCIAL TO FOOTHILL RANCH PLANNED COMMUNITY RESIDENTIAL, SINGLE-FAMILY AT 70 AUTO CENTER DRIVE, LOCATED SOUTH OF AUTO CENTER DRIVE AND NORTH OF TOWNE CENTRE DRIVE (APN 612-163-03). 2. Adopted Ordinance No. 256. MOTION CARRIED with Mayor Pro Tem McCullough and Council Member Herzog opposed.

RECESS: The City Council recessed at 8:40 p.m.

RECONVENE: The City Council reconvened at 8:50 p.m.

DISCUSSION/ACTION ITEMS:

11. COMMISSION APPLICANT INTERVIEWS AND APPOINTMENT PROCESS - PLANNING COMMISSIONER FOR THE REMAINDER OF A FOUR-YEAR TERM EXPIRING DECEMBER 2014 submitted by City Clerk.

Staff report dated September 3, 2013 was introduced.

The following members of the public offered comments:

Merry Axelrod, Lake Forest resident, reminded the audience the media was recording the votes of the meeting.

Jim Gardner, Lake Forest resident, thanked former Planning Commissioner Tim Hughes for his work on the Commission. Mr. Gardner suggested a need for background checks for those who provide volunteer work at the city.

David Herzberg, Lake Forest resident, spoke in opposition to the Brookfield development and stated he is not impressed by the newly appointed Planning Commissioners.

Mayor Voigts asked if the City had a policy of performing background checks on potential commissioners.

City Attorney Smith stated there was no policy in place.

Council Member Nick suggested both the City Attorney and staff provide guideline recommendations for background checks for future commissioners.

Council discussion continued.

City Clerk Smith reviewed the interview process.

The following candidates addressed the City Council: Terry Anderson, Thomas Gagley, David Carter, Jolene Fuentes, Thomas Grable, Amanda Morrell, Dino Roman, and Adam Williams. Candidate Kim Back and Seth Kaufman were not able to attend the meeting but asked for consideration of the application.

ACTION: The City Council conducted interviews and after two rounds of voting, selected Jolene Fuentes as Planning Commissioner for the City of Lake Forest. Votes for Round 1: Council Member Herzog and Mayor Pro Tem McCullough – Candidate David Carter; Mayor Voigts – Candidate Amanda Morrell; Council Members Nick and Robinson – Candidate Jolene Fuentes. Votes for Round 2: Council Member Herzog and Mayor Pro Tem McCullough – Candidate David Carter; Council Members Nick and Robinson, and Mayor Voigts – Candidate Jolene Fuentes.

12. CONSIDERATION OF POLICY PROHIBITING THE USE OF ELECTRONIC DEVICES BY MEMBERS OF CITY LEGISLATIVE BODIES AND ADVISORY BOARDS DURING PUBLIC MEETINGS

City Manager Dunek recommended continuing the item to a future City Council meeting in October.

MOTION: On motion by Council Member Nick and second by Mayor Pro Tem McCullough, the City Council continued the item to a future City Council meeting in October.

13. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager.

City Manager Dunek provided a brief update. He noted the League of California Cities may drop opposition to Senate Bill 594. Should that happen he suggested the Council could remove their opposition.

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

RECESSED: The City Council recessed at 10:23 p.m.

RECONVENE: The City Council reconvened at 10:25 p.m.

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: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Herzog addressed his concerns of the qualifications of the new Planning Commissioner.

Council Member Nick noted change can be good within the city.

Council Member Robinson asked staff if Southern California Edison could provide an update on the quality of the electrical poles in the city, referencing a recent accident at Trabuco and El Toro Roads. He also asked for consensus for an update on San Onofre Nuclear Generating Station (SONGS).

CONSENSUS: Staff will provide an update on the San Onofre Nuclear Generating Station.

Mayor Pro Tem McCullough reported attending the grand opening of Hobby Lobby, and the City of Westminster meeting for former Mayor Margie Wright on behalf of Orange County Housing Council. She asked everyone to keep the firefighters who have lost their lives in memory, and those who have been injured. She expressed concern for the recently selected Planning Commissioners.

Mayor Voigts reported attending the grand opening of Hobby Lobby.


CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 10:45 p.m.

Respectfully submitted:


STEPHANIE D. SMITH, CMC
CITY CLERK

APPROVED:


SCOTT VOIGTS
MAYOR