

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
February 1, 2011

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:	Kathryn McCullough Marcia Rudolph Scott Voigts
	Mayor Pro Tem:	Mark Tettemer
	Mayor:	Peter Herzog
	City Manager:	Robert C. Dunek
	City Attorney:	Scott C. Smith
	City Clerk:	Stephanie D. Smith

CLOSED SESSION

There were no items scheduled for Closed Session.

PUBLIC SESSION 7:05 p.m.

PLEDGE OF ALLEGIANCE:

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

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Scott reported there was no Closed Session.

**PRESENTATIONS:**

There were no items scheduled for Presentation.

**REPORT FROM STUDENT LIAISON: (F: 35.2A)**

Allison O'Leary, from El Toro High School, presented the report on behalf of Student Liaison John Heffel.

**RECESS:** City Council convened currently with the Redevelopment Agency at 7:10 p.m. for the purpose of conducting joint City and Redevelopment Agency business.

**PUBLIC COMMENTS: (F: 26.12)**

The following members of the public offered comments: Margie Matsel and Bob Holtzclaw.

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

1. **CERTIFICATION OF WARRANT REGISTER** submitted by Director of Finance/City Treasurer. (F: 30.11)

Council Member Rudolph pulled the following warrants for separate consideration: Sunset Properties Services, VA Consulting, Inc., and Quick Crete Products Corporation.

Mayor Pro Tem Tettermer 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.

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

**ACTION:** On motion by Council Member Rudolph and second by Mayor Herzog, the City Council approved the warrant payable to Sunset Properties Services. **MOTION UNANIMOUSLY CARRIED.**

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council approved the warrant payable to VA Consulting, Inc. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council approved the warrant payable to Quick Crete Products Corporation. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 2 - 16)

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council approved Consent Calendar Item Nos. \*2-12 and \*14-15 as submitted. MOTION UNANIMOUSLY CARRIED.

- \*2. 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.

- \*3. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JANUARY 4, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- \*4. ADOPTION OF ORDINANCE 223 submitted by City Clerk. (F: 11.4A)

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 223, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 5.31 OF THE LAKE FOREST MUNICIPAL CODE TO ESTABLISH FRANCHISE FEES AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN THE CITY. 2. Adopted Ordinance 223.

- \*5. ADOPTION OF ORDINANCE 224 submitted by City Clerk. (F: 51.2A19)

ACTION: The City Council: 1. Conducted the second reading of

Ordinance No. 224, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING LAKE FOREST MUNICIPAL CODE CHAPTER 3.13, PUBLIC PROJECTS - BIDDING AND PROCEDURES, TO MODIFY MAILING REQUIREMENTS FOR NOTICES INVITING FORMAL BIDS (AB 2184). 2. Adopted Ordinance 224.

- \*6. QUARTERLY REPORT ON COMMISSION ATTENDANCE - FOURTH QUARTER 2010 submitted by City Clerk. (F: 23.4)

ACTION: The City Council approved the Commission absences as excused.

- \*7. MONTHLY TREASURER'S REPORT - DECEMBER submitted by Director of Finance/City Treasurer. (F: 30.12)

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

- \*8. PLANS AND SPECIFICATIONS/AUTHORIZATION TO BID FOR THE STREET RESURFACING PROJECT ON VARIOUS STREETS PW 2009.08C submitted by Director of Public Works/City Engineer. (64.4A PW 2009.08C)

ACTION: The City Council: 1. Approved the bid specifications and construction plans for the Street Resurfacing Project on Various Streets PW 2009.08C. 2. Authorized staff to solicit bids for construction.

- \*9. CONTRACT AWARD FOR THE CONCOURSE PARK, MOUNTAIN VIEW PARK AND SHADE STRUCTURE IMPROVEMENT PROJECT PW 2009.12 submitted by Director of Public Works/City Engineer. (F: 46.4A PW 2009.12)

ACTION: The City Council: 1. Rejected the apparent low bid submitted by Horizons Construction Company as a non-responsive bid. 2. Awarded a contract in the amount of \$1,346,257.50, to Hondo Company Inc., of Santa Ana, California, for construction of the Concourse Park, Mountain View Park and Shade Structure Improvement Project PW 2009.12. 3. Upon receipt of the executed contract documents from Hondo Company Inc., rejected all other bids received and authorized return of the Bid Bonds. 4. Authorized the Mayor to sign, and the City Clerk to attest, the contract with Hondo Company Inc., substantially in the form attached.

- \*10. THIRD AMENDMENT TO AGREEMENT FOR CONSULTANT

SERVICES WITH ICF/JONES AND STOKES FOR SPORTS PARK AND RECREATION CENTER ENVIRONMENTAL IMPACT REPORT submitted by Director of Development Services. (F: 50.11E)

ACTION: The City Council: 1. Approved Third Amendment to the agreement with ICF/Jones and Stokes, substantially in the form attached. 2. Authorized the Mayor to sign and the City Clerk to attest the Third Amendment with ICF/Jones and Stokes.

- \*11. BID SPECIFICATIONS AND AUTHORIZATION TO BID FOR ON-CALL ELECTRICAL REPAIR SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F5)

ACTION: The City Council: 1. Approved the bid specifications for On-Call Public Property and Facility Electrical Repair Services. 2. Authorized staff to solicit bids.

- \*12. RESOLUTION FOR USE OF HOUSING FUNDS OUTSIDE THE PROJECT AREA submitted by Assistant City Manager. (F: A30.21)

ACTION: The City Council adopted Resolution No. 2011-02 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, FINDING THAT THE USE OF LOW AND MODERATE INCOME HOUSING FUNDS FROM THE EL TORO PROJECT AREA ("PROJECT AREA") OUTSIDE THE PROJECT AREA WILL BE OF BENEFIT TO THE PROJECT AREA.

- \*14. REPORT REGARDING INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ESTABLISHING A MORATORIUM ON PERMITS FOR THE ESTABLISHMENT AND OPERATION OF ADULT BUSINESSES PURSUANT TO GOVERNMENT CODE SECTION 65868 submitted by City Attorney. (F: 50.9A)

ACTION: The City Council approved and issued this Report regarding Urgency Ordinance No. 222, establishing a 45-day moratorium on permits for the establishment and operation of adult businesses.

- \*15. AMERICAN MEDICAL RESPONSE (AMR) AQUISITION OF DOCTOR'S AMBULANCE submitted by Deputy City Manager/Director of Management Services. (F: 12.1A)

ACTION: The City Council approved the attached Agreement for

Consent to Transfer with Doctor's and AMR regarding Exclusive Operating Area #42, encompassing the City of Lake Forest and the adjacent county unincorporated areas of Modjeska and Upper Trabuco/Cooks.

**PULLED CONSENT CALENDAR ITEMS:**

13. REPAYMENT OF OUTSTANDING BALANCE OF LOAN FROM CITY TO THE REDEVELOPMENT AGENCY (THIS ITEM IS COMPANION TO REDEVELOPMENT AGENCY AGENDA ITEM NO. 6) submitted by Director of Finance/City Treasurer. (F: 30.14)

Mayor Herzog pulled this item for separate consideration.

**ACTION:** On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved a budget adjustment for an interfund transfer into the City of Lake Forest General Fund in the amount of \$1,138,143.

16. AGENCY FUNDING OF CAPITAL IMPROVEMENT PROJECTS IN THE EL TORO REDEVELOPMENT PROJECT AREA (THIS ITEM IS COMPANION TO REDEVELOPMENT AGENCY AGENDA ITEM NO. 7) submitted by Assistant City Manager/Deputy Executive Director. (F: 30.8) (X64.4A PW 2003.02) (X64.4A PW 2007.05)

**ACTION:** On motion by Council Member Voigts and second by Council Member Rudolph, the City Council: 1. Adopted Resolution No. 2011-03 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE CAPITAL IMPROVEMENT PROJECTS FUND FOR 2009-11; and 2. Adopted Resolution No. 2011-04 entitled: A RESOLUTION OF THE CITY COUNCIL OF CITY OF LAKE FOREST APPROVING THE USE OF REDEVELOPMENT TAX INCREMENT FUNDS FOR CERTAIN PUBLIC IMPROVEMENTS WITHIN THE PROJECT AREA, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445. 3. Authorized and budgeted the transfer of \$3,224,000 into the City Capital Improvement Projects Fund from the Redevelopment Agency Debt Service Fund for construction of Phase I of the Jeronimo Road, Rockfield Boulevard, and El Toro Road Streetscape and Traffic Calming Projects, and the El Toro Enhanced Lighting and Landscaping Project. **MOTION UNANIMOUSLY CARRIED.**

DISCUSSION/ACTION ITEMS:

17. LAKE FOREST MUNICIPAL CODE ANNUAL UPDATE - GRAFFITI ORDINANCE submitted by City Attorney. (F: 34.5)

Staff report dated February 1, 2011 was introduced.

ACTION: On motion by Mayor Herzog and second by Mayor Pro Tem Tettemer, the City Council introduced for first reading Ordinance No. 225 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST AMENDING AND RESTATING LAKE FOREST MUNICIPAL CODE CHAPTER 6.14, ARTICLE II REGARDING GRAFFITI AND AMENDING ARTICLE I REGARDING NUISANCES as amended. MOTION CARRIED With Council Members McCullough and Rudolph opposed.

18. ACTIVATION OF A HOUSING AUTHORITY submitted by Assistant City Manager/Deputy Executive Director. (F: H10.2)

Staff report dated February 1, 2011 was introduced.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council adopted Resolution No. 2011-05 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, DECLARING A NEED FOR THE LAKE FOREST HOUSING AUTHORITY, DESIGNATING THE MEMBERS OF THE CITY COUNCIL AS COMMISSIONERS OF THE HOUSING AUTHORITY, AND DESIGNATING THE MAYOR AS THE FIRST INTERIM CHAIRMAN OF THE HOUSING AUTHORITY. MOTION UNANIMOUSLY CARRIED.

19. LEGISLATIVE AND REGULATORY MATTERS submitted by Assistant to the City Manager. (F: 72.2B)

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

20. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES AND/OR ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY, submitted by City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Voigts offered comments.

Mayor Pro Tem Tetteimer offered no comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION: (F: 16.3)

There was no continued Closed Session.

ADJOURNMENT: 8:35 p.m.