

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
February 5, 2013

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:

5:40 p.m.

ROLL CALL: Council Members:

Peter Herzog

Adam Nick

Dwight Robinson

Mayor Pro Tem:

Kathryn McCullough

Mayor:

Scott Voigts

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

City Clerk:

Stephanie D. Smith

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation
Pursuant to Government Code Subsections 54956.9(d)(2) and (3)
Number of potential cases: 2
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APNs: 612-161-11, 612-161-12 and 612-163-03
Agency negotiators: City Manager and City Attorney
Negotiating parties: Trumark Companies, LLC and Brookfield Homes, LLC
Under Negotiation: Price and Terms of Payment for Land for On-site Public Facilities

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:04 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:06 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 McCullough.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

3. COMMENDATION FOR JERRY VERPLANCKE AS THE 2012 PLANNING COMMISSION CHAIRPERSON submitted by City Clerk.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council approved and presented the commendation to Planning Commission Chair Jerry Verplancke. MOTION UNANIMOUSLY CARRIED.

4. REPORT BY INVESTMENT OVERSIGHT REVIEWER - QUARTER ENDING DECEMBER 31, 2012 submitted by Director of Finance/City Treasurer.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council received and filed the report from Kathy V. Lai with the firm of Macias, Gini & O'Connell. MOTION UNANIMOUSLY CARRIED.

5. RECOGNITION OF JUAN GONZALEZ - CIF STATE CROSS COUNTRY CHAMPION submitted by City Clerk.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council approved and presented the recognition to CIF State Cross Country Champion Juan Gonzalez. MOTION UNANIMOUSLY CARRIED.

REPORT FROM STUDENT LIAISON:

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

PUBLIC COMMENTS:

The following members of the public offered comments: Marcia Rudolph, Robert MacHale, and Bob Holtzclaw.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 6)

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

Mayor Pro Tem McCullough pulled the following warrant for separate consideration: US Bank. Mayor Voigts pulled the following warrant for separate consideration: Emmanuels Jones and Associates.

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

Mayor Pro Tem McCullough asked staff to add additional spacing between the various line items for the US Bank warrants for easier reading.

ACTION: On motion by Mayor Pro Tem McCullough and second by Council Member Robinson, the City Council approved the warrant payable to US Bank. **MOTION UNANIMOUSLY CARRIED.**

Mayor Voigts asked if the Emmanuels Jones and Associates could assist with obtaining various grants for the city.

City Manager Dunek reported he would inquire if Emmanuels Jones scope of work extends into grant procurement.

ACTION: On motion by Mayor Voigts and second by Council Member Herzog, the City Council approved the warrant payable to Emmanuels Jones and Associates. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 – 22)

ACTION: On motion by Council Member Herzog and second by Council Member Robinson, the City Council approved Consent Calendar Item Nos. *7-15 and *17-22. MOTION UNANIMOUSLY CARRIED.

- *7. WAIVE READING OR 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.

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

ACTION: The City Council approved the Minutes as submitted.

- *9. QUARTERLY SIX MONTH CONTRACT EXPIRATION NOTICE submitted by City Clerk.

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

- *10. CARRYOVER REVENUES AND APPROPRIATIONS submitted by Director of Finance/City Treasurer.

ACTION: The City Council adopted Resolution No. 2013-02 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2012-13 AND THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2011-13.

- *11. AUDIT REPORTS - YEAR END JUNE 30, 2012 submitted by Director of Finance/City Treasurer.

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

- *12. ADOPTION OF ORDINANCE NO. 249 - AN ORDINANCE TO AMEND VARIOUS PROVISIONS IN TITLES 1, 10, 11, AND 14 OF THE LAKE FOREST MUNICIPAL CODE submitted by City Clerk.

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 249 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING VARIOUS

PROVISIONS IN TITLES 1, 10, 11 AND 14 OF THE LAKE FOREST MUNICIPAL CODE. 2. Adopted Ordinance No. 249.

- *13. ADOPTION OF FORM 806 - AGENCY REPORT OF PUBLIC OFFICIAL APPOINTMENTS submitted by City Clerk.

ACTION: Adopted Form 806 as presented and authorized the City Clerk to post the form on the City's website.

- *14. SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH LILLEY PLANNING GROUP FOR PLANNING CONSULTANT SERVICES submitted by Director of Development Services.

ACTION: The City Council: 1. Approved Second Amendment to agreement with Lilley Planning Group for Planning Consultant Services. 2. Authorized the Mayor to sign, and the City Clerk to attest, the amendment substantially in the form attached.

- *15. REVOCABLE LICENSE AGREEMENT WITH CHERRY PLAZA FOR PROPERTY AT 23211 CHERRY AVENUE submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the Revocable License Agreement with Cherry Plaza. 2. Authorized the City Manager to sign, and the City Clerk to attest, to execute the Revocable License Agreement with Cherry Plaza.

- *17. AGREEMENTS WITH OCTA AND PARTICIPATING CITIES FOR REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM submitted by Director of Public Works/City Engineer.

ACTION: The City Council approved three Cooperative Agreements (No. C-2-1994, No. C-2-1996, and No. C-2-1997) between the Orange County Transportation Authority (OCTA) and the participating cities of Irvine, Mission Viejo, Laguna Hills, Lake Forest, and Rancho Santa Margarita, for funding and implementation of three improvement projects under the Measure M2 Regional Traffic Signal Synchronization Program.

- *18. FOURTH AMENDMENT TO AGREEMENT WITH LGC GEOTECHNICAL FOR THE SPORTS PARK PROJECT (PW 2009.01G) submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the Fourth Amendment to the Agreement with LGC Geotechnical Inc. (LGC), for additional construction services for the Sports Park Project, substantially in the form attached. 2. Authorized the Mayor and City Clerk to attest and execute the Fourth Amendment to the Agreement with LGC.

- *19. AWARD OF CONTRACTS FOR ON-CALL GEOTECHNICAL SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Awarded a contract in the amount of \$50,000 to GMU Geotechnical Inc., for professional on-call geotechnical services. 2. Awarded a contract in the amount of \$50,000 to Converse Consultants for professional on-call geotechnical services. 3. Authorized the Mayor to sign, and the City Clerk to attest to both agreements, substantially in the form attached.

- *20. STATUS OF COMPLIANCE WITH NPDES STORMWATER PERMITS SECOND QUARTER FISCAL YEAR 2012-2013 submitted by Director of Public Works/City Engineer.

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

- *21. FIRST AMENDMENT TO AGREEMENT FOR ON-CALL INTERIM TRAFFIC ENGINEERING MANAGER SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the First Amendment with Hartzog and Crabill, Inc. for Interim Traffic Engineering Manager Services. 2. Authorized the Mayor to sign the First Amendment with Hartzog and Crabill, Inc.

- *22. COOPERATIVE AGREEMENT BETWEEN THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF LAKE FOREST submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Authorized the Mayor to execute Amendment No. 15 to Agreement No.C-95-981, substantially in the form attached. 2. Directed the City Clerk to forward the signed copy of the Amendment No.15 to the Orange County Transportation Authority.

PULLED CONSENT CALENDAR ITEM:

16. CONSTRUCTION CONTRACT AWARD FOR THE RIMGATE PARK AND TAMARISK PARK IMPROVEMENT PROJECT (PW 2009.14) submitted by Director of Public Works/City Engineer.

This item was pulled for separate consideration by Council Member Herzog.

Council Member Herzog moved to reject all bids and directed staff to rebid the project.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council rejected all bids and authorized staff to rebid the project. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

23. SELECTION OF PARK AND RECREATION COMMISSIONERS FOR THE FOUR YEAR TERM JANUARY 2013 THROUGH DECEMBER 2016 submitted by City Clerk.

Staff report dated February 5, 2013 and direction was provided to Council.

Michelle Clark, Waste Management Corporation, Inc., spoke in favor of applicants John Irish and Amanda Morrell.

ACTION: The City Council interviewed the Park and Recreation applicants and selected Victor L. Scherr and Jeffrey Scot Werkmeister to serve the four-year terms.

RECESS: The City Council recessed at 8:53 p.m.

RECONVENE: The City Council reconvened with all Members present at 8:59 p.m.

24. DISCUSSION OF LETTERS SUBMITTED BY BROOKFIELD RESIDENTIAL AND TRUMARK HOMES REGARDING PROPOSED RESIDENTIAL DEVELOPMENT IN THE FOOTHILL RANCH AUTO CENTRE submitted by Assistant City Manager.

Staff report dated February 5, 2013 was introduced.

The following members of the public offered comments: Marcia Rudolph

and James O'Malley.

Council Member Herzog made a motion to receive and file the report. Mayor Pro Tem McCullough seconded the motion.

Council Member Robinson made a substitute motion to amend the motion and remove the market study requirement.

Council Member Herzog did not accept the amendment to the motion.

Mayor Voigts asked Mr. O'Malley if Trumark would update their market study.

Mr. O'Malley stated they would.

Mayor Voigts asked if the substitute motion could accept the Trumark market study in place of requesting a new study.

Mayor Pro Tem McCullough stated she could not support the substitute motion.

Council discussion continued.

Council Member Robinson called the question on his substitute motion.

ACTION: On motion by Council Member Robinson and second by Council Member Nick, the City Council removed the request for Trumark Homes to provide and updated Market Study. **MOTION CARRIED** with Mayor Pro Tem McCullough and Council Member Herzog opposed.

ACTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough the City Council moved to receive and file the report with exception to the market study. **MOTION UNANIMOUSLY CARRIED.**

25. **LEGISLATIVE AND REGULATORY MATTERS** submitted by City Manager.

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

ACTION: On motion by Council Member Herzog and second by Council Member Robinson, the City Council voted to oppose the current proposed State Assembly Bill 5. **MOTION UNANIMOUSLY CARRIED.**

26. 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 made comments.

Council Member Nick made comments.

Council Member Robinson made comments.

Mayor Pro Tem McCullough made comments.

Mayor Voigts made comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 10:17 p.m.