

MINUTES OF A REGULAR MEETING  
OF THE LAKE FOREST CITY COUNCIL

The regular meeting of the Lake Forest City Council held November 19, 2013 at the Lake Forest Council Chamber 25550 Commercentre Drive Lake Forest, California 92630 was called to order at 7:09 p.m.

ROLL CALL:

Council Members:	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

There were no items scheduled for Closed Session.

PUBLIC SESSION

INVOCATION: The Invocation was led by Council Member Robinson.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Nick.

PRESENTATIONS:

1. RECOGNITION OF 2013 LEADERSHIP ACADEMY GRADUATES submitted by City Clerk.

City Clerk Stephanie Smith presented the staff report dated November 19, 2013. Mayor Voigts presented certificates to the following graduates: Luis Alvarado, Anna Antoniou, Louis Ashinghurst, Merry Axelrod, Cameron Barrett, Carrie Barrett, James Bender, Dan Derkum, Beverly Ford, Jeffrey Herrin, Erin Hoskinson, Scott Johnson, Rhonda Lorenzen, Jade Mazzio, Julie Monji, John Na, Patricia Pawelski, Darcy Purvis, Michael Rickey, Nancy Smeaton, Sheila Smith, Sandy Stang, Carol Ann Tardif, Nancy Tremaine, and Scott Voigts.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council recognized the Fall 2013 Leadership Academy Graduates.  
MOTION UNANIMOUSLY CARRIED.

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:

Bill Merritt, Lake Forest resident, spoke in favor of an Ordinance to protect mobile home parks in Lake Forest. He expressed concern land leases maturing in 2025 will cause the mobile home park to be converted to other land uses.

Gregory Raths, Mission Viejo resident, spoke regarding his campaign for 45th Congressional District.

Kenton Boettcher, Lake Forest resident, presented an update on the Lake Forest Community Garden Park.

Jim Richert, Lake Forest resident, spoke regarding Police Services. He complimented the Department on their proactive response and action taken on behalf of his home.

Brett Rose, Lake Forest business owner, spoke regarding the recent opening of Swim Labs.

Merry Axelrod, Lake Forest resident, spoke regarding Assemblyman Tim Donnelly who is running for governor and recently sponsored the bill AB 151, which was approved and signed by the governor.

Jim Gardner, Lake Forest resident, spoke regarding the Lake Forest Community Foundation. He stated it was a non-profit organization that could support community efforts like community gardens, marine battalions, and the Boys and Girls Club of America.

Mayor Pro Tem McCullough thanked the residents who complimented the city. In referencing the Community Foundation, stated it was used to support community groups. She also spoke to the history of the City's formation.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 2)

2. 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 the percentage of Lake Forest businesses the city uses for various services.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council approved the warrant register in the amount of \$878,042.72 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 3- 10)

MOTION: On motion by Mayor Voigts and second by Council Member Nick the City Council approved Consent Calendar Item Nos. \*3-6 and \*8-10. MOTION CARRIED with Council Member Nick abstained on Agenda Item No. 8.

- \*3. 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.

- \*4. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON OCTOBER 15 AND OCTOBER 22, 2013, submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- \*5. APPROVAL OF MEASURE M2 EXPENDITURE REPORT submitted by Director of Finance/City Treasurer.

ACTION: The City Council adopted Resolution No. 2013-47 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LAKE FOREST.

- \*6. MONTHLY TREASURER'S REPORT - OCTOBER submitted by Director of Finance/City Treasurer.

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

- \*8. NOTICE OF COMPLETION FOR STREET RESURFACING PROJECT (PW 2011.01A) submitted by Director of Public Works/City Engineer.

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 2011.01A. 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 \$40,790.72, 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. 4. Approved Cooperative Agreement No. C-2-1839 between the Orange County Transportation Authority and the City of Lake Forest for Proposition 1B State Local Partnership Program Call for Projects and authorized the Mayor to execute, and the City Clerk to attest the Agreement substantially in the form attached. MOTION CARRIED with Council Member Nick abstained.

- \*9. PURCHASE OF REPLACEMENT VEHICLE FOR THE COMMUNITY SERVICES DEPARTMENT submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Adopted Resolution No. 2013-48 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2013-14. 2. Authorized staff to purchase a replacement vehicle for the Community Services Department in accordance with the City's vehicle replacement policy.

- \*10. APPROVAL OF FINAL PARCEL MAP NO. 2013-159 submitted by Director of Public Works/City Engineer.

ACTION: The City Council adopted Resolution No. 2013-49 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2013-159, CREATING A 1-NUMBERED LOT AND 1-LETTERED LOT SUBDIVISION FOR APARTMENT RESIDENTIAL PURPOSES ON 7.228 ACRES LOCATED ON RANCHO PARKWAY SOUTH OF ALTON PARKWAY.

#### PULLED CONSENT CALENDAR ITEMS:

- 7. AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF IRVINE FOR BAKE PARKWAY REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT submitted by Director of Public Works/City Engineer.

Council Member Robinson pulled this item for separate consideration. He asked staff to provide an update on the 2012 public works projects.

Tom Wheeler, Director of Public Works summarized that the City has completed El Toro Road street project, updated Alton Parkway, there are currently eight traffic signalization projects underway, every intersection has been updated with new hardware and currently being updated with new software, the city has gone out to bid for traffic maintenance

services which will remove the need to rely on County of Orange services, and will be bringing additional RFP's to Council for traffic signal operations. He stated the department's plan is to increase the traffic flow within the city.

Council Member Robinson asked if the traffic signal operation is specifically for Bake Parkway. He also asked for clarification on the funding sources for the synchronization project.

Director Wheeler stated the traffic signal operations will tie together Bake Parkway from Portola Parkway south to the Interstate-5 freeway. He confirmed eighty percent of the funds are from Measure M2, with another twenty percent from South Coast Air Quality District.

Mayor Pro Tem McCullough asked for confirmation of the installation of pedestrian countdown heads.

Director Wheeler confirmed their installation is on-going.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council approved Cooperative Agreement No. C-3-1956 between the Orange County Transportation Authority and the cities of Irvine and Lake Forest, for funding and implementation of improvements on Bake Parkway under the Measure M2 Regional Traffic Signal Synchronization Program. MOTION UNANIMOUSLY CARRIED.

#### PUBLIC HEARING(S):

11. SECOND READING AND ADOPTION OF THE 2013 BUILDING STANDARDS CODES submitted by Director of Development Services.

Staff report dated November 19, 2013 was introduced.

Mayor Voigts opened the Public Hearing for public comment.

Mayor Voigts closed the public portion of the Public Hearing.

MOTION: On motion by Council Member Robinson and second by Council Member Nick, the City Council: 1. Conducted second reading and adopted Ordinance No. 258 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST CALIFORNIA, AMENDING CHAPTERS 8.02, 8.06, 8.14, 8.16, AND 8.20 OF TITLE 8 OF THE LAKE FOREST MUNICIPAL CITY CODE AND ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, AND CALIFORNIA PLUMBING CODE. MOTION UNANIMOUSLY CARRIED.

2. Conducted second reading and adopted Ordinance No. 259 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST CALIFORNIA, AMENDING TITLE 8, BY REPEALING CHAPTER 8.24 OF THE LAKE FOREST MUNICIPAL CODE AND BY ADDING A NEW CHAPTER 8.24, ADOPTING BY REFERENCE THE 2013 CALIFORNIA FIRE CODE, WITH APPENDICES AND AMENDMENTS THERETO. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

12. CONSIDERATION OF AN AMENDMENT TO THE JOINT POWERS AUTHORITY AGREEMENT WITH THE ORANGE COUNTY FIRE AUTHORITY submitted by City Manager.

City Manager Dunek presented the report dated November 19, 2013. He summarized that this item is a consideration to amend the joint powers agreement between the City of Lake Forest and the Orange County Fire Authority. The amendment is a means to deal with potential payment of excess funds back to donor cities. He provided members have two avenues to pay for their fire services one being cash contract; the other the structural fire fund; he added Lake Forest is a member of the structural fire fund. He noted the Orange County Fire Authority created a hybrid model for donor cities to receive excess funds. The process requires two-thirds of the cities to ratify the amendment.

Mayor Pro Tem McCullough stated the Board of Orange County Fire Authority has not discussed at this time, the payment funds to other cities, noting the City of Irvine is a "super donor" city and the only one being discussed at this time for the return of the excess funds.

City Manager Dunek stated there is an acceleration payment in the agreement that affects Irvine, but the other cities will receive money back in the future.

Council Member Robinson asked for an understanding of the unrestricted funds.

City Manager Dunek stated the cash contract cities are providing cash money for their services. He noted direct receipts from other cities can be spent unrestricted. However structural fire fund, as the City of Lake Forest is classified, funds can only be spent on fire services.

Council Member Robinson inquired to the threshold for becoming a donor.

City Manager Dunek stated it comes through a formula in the agreement and relates to the cost of the services versus the contribution.

Fire Division Chief Kris Concepcion stated the City of Lake Forest uses the overall average of the one-percent tax for fire services.

Council Member Robinson inquired to the cost estimate for the city being involved in the process.

City Attorney Smith stated Orange County Fire Authority counsel is preparing the estimate for the City of Lake Forest's involvement and it will be reviewed by the City's legal counsel.

Council Member Robinson noted that for unimproved property taxes are low, but once improved the taxes would grow significantly and is there a possibility the city would end in the donor category.

City Manager Dunek said it is a possibility, but is also a function of the tax rate area in which the vacant land is located. He noted the 4,000 housing units currently scheduled to be built will boost the assessed valuation for the City of Lake Forest. He stated Lake Forest could be a donor city, he added the city will never have to pay more, but there is the possibility it would get money back.

Council discussion continued.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council adopted Resolution No. 2013-50 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA APPROVING THE SECOND AMENDMENT TO THE ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AUTHORITY AMENDED AGREEMENT AND AUTHORIZING THE CITY ATTORNEY TO PARTICIPATE IN A VALIDATION ACTION ON BEHALF OF THE CITY OF LAKE FOREST. MOTION UNANIMOUSLY CARRIED.

13. DISCUSSION OF PUBLIC HEARING NOTICE REQUIREMENTS submitted by Director of Development Services.

Director of Development Services Gayle Ackerman provided the staff report dated November 19, 2013.

Jim Gardner, Lake Forest resident, recommended when the city adopts minimum standards for notifications, allow flexibility in the customization of the process. For example, when sending out notifications to homeowners include the tenants of rental properties as well. He also suggested creating an alert system such as "Alert OC" where it would serve the City of Lake Forest direct and could be used for other notifications.

Mayor Pro Tem McCullough stated she initially brought this item to Council for consideration and would like to continue the item to enable her more time for additional research.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Nick, the City Council continued the item for future consideration. MOTION UNANIMOUSLY CARRIED.

14. CONSIDERATION AND POTENTIAL INTRODUCTION OF AN ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE IN PUBLIC PLACES AND POTENTIAL ALTERNATIVES TO CONTROL THE WATERFOWL POPULATION AT VILLAGE POND PARK submitted by City Manager.

City Manager Dunek introduced the staff report dated November 19, 2013. He stated this item was continued from the November 5, 2013 City Council meeting, however staff has provided other alternatives within the report. He noted the recommendation is to consider the introduction and provide staff any additional direction.

Mayor Pro Tem McCullough suggested she wanted to research alternatives which might eliminate the need for the Ordinance. She suggested a spray type water fountain which creates water movement and discourages water fowl.

Council Member Robinson stated both Mayor Pro Tem McCullough and he attended the city workshops and spoke with residents. He noted over ninety percent of the people in attendance want the pond to stay. He also suggested modifications to the park will make significant improvements to the water fowl population.

David Glick, Lake Forest resident, recommended enforcing a no feeding ordinance as many people who use the park are not residents of the adjacent area and are not members of the homeowner association.

Mayor Pro Tem McCullough stated the proposed ordinance affects a broader area than the pond and would like more information before proceeding.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Nick, the City Council continued the item to a future date to allow staff to research further for potential alternatives related to waterfowl at Village Pond Park. MOTION UNANIMOUSLY CARRIED.

15. 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.

Mayor Pro Tem McCullough stated she is seeking reappointment to the State League of California Cities Administrative Services and Housing Community and Economic Development Committees.

Mayor Voigts stated he is seeking reappointment to the State League of California Cities Revenue and Taxation Policy Committee.

Council Member Robinson reminded Council of the need for an alternate for the Orange County Fire Authority.



Council informally appointed Council Member Robinson as Alternate to Orange County Fire Authority. City Clerk Smith will provide direction for the formal appointment.

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Nick thanked those present for attending the meeting.

Council Member Robinson noted this date is the 150<sup>th</sup> anniversary of Gettysburg. He thanked his wife for allowing him to serve his community, noting this was her birthday. He noted attending the grand opening for Checkered Flag Hand Car Wash, the Amigos de la Colina Celebration at Serrano Adobe, and mentioned an upcoming event "Cookies for Kids with Cancer" at Renwes Sales.


Mayor Pro Tem McCullough apologized for being unable to attend committee meetings due to the illness of family members. She noted attending the Veterans Day event at El Toro Memorial Park and the Veteran's event in Mission Viejo. She wished everyone a Happy Thanksgiving.

Mayor Voigts reported his attendance of the City Selection Committee meeting and congratulated Mayor Pro Tem McCullough for her reappointment to the Seniors Citizens Advisory Council Board. He mentioned the various committee meetings he has attended and thanked his family for their support. He reported attending both the grand opening of Checkered Flag Hand Car Wash and the Anniversary Celebration of Empanada Man.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 9:09 p.m.

Respectfully submitted:

  
STEPHANIE D. SMITH, CMC  
CITY CLERK

APPROVED:

  
SCOTT VOIGTS  
MAYOR