MINUTES OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST

The regular meeting of the City Council of the City of Lake Forest held November 18, 2014, at the Lake Forest City Council Chamber, 25550 Commercentre Drive, Lake Forest, California, was called to order at 7:02 PM.

ROLL CALL:	Council Members:	David A. Bass
		Kathryn McCullough
		Scott Voigts
	Mayor Pro Tem:	Adam Nick
	Mayor:	Dwight Robinson
	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 Jeff Robinson, Bishop, Church of Jesus Christ of Latter-day Saints, Aliso Creek Ward.

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

PRESENTATIONS:

1. RECOGNITION OF 2014 LEADERSHIP ACADEMY GRADUATES

   MOTION: On motion by Council Member Voigts, second by Council Member Bass, the City Council recognized and presented certificates to the Fall 2014 Leadership Academy Graduates. MOTION UNANIMOUSLY CARRIED.

REPORT FROM STUDENT LIAISON:

Joseph Hana, Student Liaison from El Toro High School presented his report.

PUBLIC COMMENTS:

The following members of the public offered comments:

Andrew O'Connor, Lake Forest resident, spoke regarding the 2015 Sports Field allocations, asking for field time for the Quake Baseball organization.

Merry Axelrod, Lake Forest resident, spoke regarding the possibility of locating a community garden, Senior Center, and dog park at the new Lake Forest Sports Park. She also spoke regarding the recent municipal election and the negative activity surrounding the campaigns.

Tracey Tingley, Lake Forest resident, spoke regarding the recent election. She suggested adopting an ordinance regarding the method used to fill a seat on the Council when a vacancy occurs, selecting the next highest vote getter in the election during which the officer creating the vacancy was elected.

David Carter, Lake Forest resident, spoke regarding the Boys and Girls Club of Lake Forest and the Tour del Toro and their use of the Sports Park and Recreation Center for the event.

Wendy Eisele, Lake Forest resident, spoke regarding the Sports Park grand opening event and her experience passing out campaign flyers.

Jim Gonthier, Lake Forest resident, spoke regarding Montessori on the Lake and the school's use of a neighborhood park as their physical education location.

Andrew Hamiton, Lake Forest resident, spoke in recognition of Council Members McCullough and Bass and their service on the Lake Forest City Council.

Randy Johnson, Lake Forest resident, spoke regarding the amount of animal license fees charged by the Orange County Animal Control Department. He also spoke regarding the negative campaigning during the recent election.

David Schwartz, Lake Forest resident, spoke regarding Portola Hills and the impact on the neighborhood from development at Portola Center.

Doug Waters, Mission Viejo resident, spoke regarding development of the Portola Center development and potential negative impacts on his neighborhood.

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

2. CERTIFICATION OF WARRANT REGISTER

MOTION: It was moved by Council Member Voigts, second by Council Member McCullough to approve the Warrant Register in the amount of $1,605,875.40 as submitted.. MOTION CARRIED with Council Member Nick abstained on the warrant payable to Cummins and White.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 3-9)

MOTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council approved Consent Calendar Item Nos. *3, *5-6, and *9. MOTION UNANIMOUSLY CARRIED.

*3. WAIVE READING OF ORDINANCES AND RESOLUTIONS

ACTION: Waived 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. MONTHLY TREASURER'S REPORT - OCTOBER 2014

ACTION: Received and filed the report.

*6. CONFLICT OF INTEREST CODE - AMENDMENT

ACTION: Adopted Resolution No. 2014-42 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974.

*9. APPROVAL OF MEASURE M2 EXPENDITURE REPORT

ACTION: Adopted Resolution No. 2014-43 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.

PULLED CONSENT CALENDAR ITEMS:

4. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON OCTOBER 21, 2014, submitted by City Clerk.

Council Member McCullough removed this item for separate consideration, wishing to abstain. Council Member Bass asked for more detail to be reflected in the Public Comment section.

MOTION: It was moved by Council Member Bass, second by Council Member Voigts, to continue this item to the December 2, 2014 meeting to allow the Clerk time to amend the Public Comment section. MOTION CARRIED with Council Member McCullough abstained.

7. AWARD OF CONTRACT FOR VILLAGE POND PARK FINAL DESIGN SERVICES

This item was removed from the Consent Calendar by members of the Public. The following members of the Public offered comments:

Randy Johnson, Lake Forest resident, spoke regarding residents feeding the birds. He stated elimination of the birds could be accomplished by not feeding them and adopting regulations prohibiting the feeding of the birds.

Bob Holtzclaw, Lake Forest resident, spoke in opposition to awarding the contract, in lieu of cleaning up the pond first and having maintenance personnel not contribute to the pollution in the water quality.

Jim Gardner, Lake Forest resident, spoke regarding cleaning the lake and eliminating the feeding before spending money to redevelopment the park. He presented a draft ordinance prohibiting the feeding of the birds.

City Manager Dunek reviewed the key components in the proposed contract, and he acknowledged the solution is multi-faceted. Based on the time it takes to draw plans and build the improvements, it would be almost two years to fulfill the master plan that came out of the community workshops.

Mayor Robinson mentioned that there was a consensus from the community that the residents wanted to see the park improved, including reducing the amount of feeding that occurs. He suggested that during the design and construction period, they could also look at other options to help with the water quality and park conditions.

Council Member McCullough mentioned the conditions of the park during the workshop, and remarked that even with eliminating the bird waste, the improvements to the park would still be necessary to clean the water and upgrade the park facilities.

Council Member Bass indicated he would like to see the design work go forward.

Council Member Voigts asked if there were signs installed. City Manager Dunek reported there were several signs discouraging the feeding of the ducks, but there is no ordinance criminalizing the behavior.

MOTION: On motion by Mayor Robinson, second by Council Member McCullough, the City Council: 1. Awarded a contract in the amount of $210,630 to NUVIS Landscape Architecture for Village Pond Park Final Design Services. 2. Authorized the Mayor to sign and the City Clerk to attest the agreement with NUVIS Landscape Architecture, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

8. AWARD OF CONTRACT FOR DESIGN SERVICES FOR WHISPERING HILLS PARK

This item was removed from the Consent Calendar by members of the public. The following members of the public offered comment:

Scott Drapkin, Lake Forest resident, presented a handout on a proposed design for the Whispering Hills park site, proposing an arena soccer park concept.

Doug Cirbo, Lake Forest resident, America Youth Soccer Organization (AYSO), spoke regarding developing a soccer facility at Whispering Hills.

Kenton Boettcher, Lake Forest resident, spoke in favor of developing a Lake Forest Community Garden Park. Mr. Boettcher expressed support for the selection of RJM to design the park.

Mayor Robinson expressed support for selecting RJM and noted the venue for hearing all of the competing interests will be during the community meetings as part of the design contract.

MOTION: It was moved by Mayor Robinson, second by Council Member Voigts to: 1. Award a contract in the amount of $41,155 to RJM Design Group for Preliminary Design Services for Whispering Hills Park. 2. Authorize the Mayor to sign and the City Clerk to attest the agreement with RJM Design Group, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

10. AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE IRVINE RANCH WATER DISTRICT

Mayor Robinson opened the Public Hearing. City Manager Dunek introduced Assistant City Manager Belmer, who presented the staff report dated November 18, 2014.

Assistant City Manager Belmer reviewed the status of the Development Agreement with the Irvine Ranch Water District ("IRWD") and the discovering of the drainage feature on the property, which requires the City to work with the Army Corps of Engineers to obtain additional permits. He noted they are still working with IRWD to amend the Development Agreement, and staff is requesting to continue the item to an unspecified date.

Council discussion ensued.

MOTION: On motion by Mayor Robinson, second by Council Member McCullough, the City Council continued the Public Hearing off calendar to provide additional time for the City and the Irvine Ranch Water District to finalize terms for an amendment to the Development Agreement, noting it will be re-noticed for hearing when the agenda item returns for Council consideration. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

11. PORTOLA PARKWAY GAP CLOSURE TRAFFIC SENSITIVITY ANALYSIS

City Manager Dunek introduced Director of Public Works/City Engineer Wheeler who presented the staff report dated November 18, 2014. Director Wheeler highlighted the current development of Portola Parkway and how a proposed gap closure might be developed.

Mr. Wheeler highlighted the number of trips that would utilize the gap closure, and how the trips would disperse through Lake Forest streets. He spoke to the challenges of building the gap closure, the location of the gap in unincorporated Orange County, the City of Irvine sphere of influence, the cost of $81 million (in 2005), and no developer coming online to contribute to the funding.

Council Member Bass inquired as to the ability of those who live in Foothill Ranch to have a Toll Road credit for that gap, where they travel from Portola Parkway in Irvine to Alton Parkway in Lake Forest, expressing his belief such a measure would be less costly than building the gap closure.

Council Member Voigts asked if the new construction of Alton Parkway relieved the previous congestion on Bake Parkway. Director Wheeler responded the Alton Parkway gap closure resulted in approximately 1000 trips a day less on Bake. Council Member Voigts asked to the number of bridges necessary to construct the Portola Parkway closure, with Mr. Wheeler stating that level of analysis has not been done.

ACTION: Following Council discussion, the City Council received and filed the report.

12. INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 1.16 TO THE LAKE FOREST MUNICIPAL CODE RELATING TO THE CREATION OF AN ADMINISTRATIVE CITATION PROGRAM

City Manager Dunek introduced Assistant City Manager Belmer who presented the staff report dated November 18, 2014. Assistant City

Manager Belmer indicated the City's Code Enforcement division handles approximately 1,000 cases per year. He reviewed the types of code violations that typically occur in the City. He indicated that 81% of violations are corrected once the City notifies property owners of the violation. In 19% of cases, compliance is not achieved cooperatively and assistance from the City Attorney's office is required.

This ordinance would add a new tool to the code enforcement strategies already in place; that is a citation issued by the city, after a courtesy notice has been provided. With use of a citation program, if the initial efforts fail, rather than having to initiate a court action, the City can initiate a civil action that is administered by the city, in terms of collection, instead of the courts. Mr. Belmer noted Lake Forest is one of few cities in Orange County that does not have an administrative citation process. All of the surrounding cities have similar programs in place.

Council discussion ensued.

Council Member Voigts inquired if the City could discuss a remedy for the duck pond administratively? Mayor Robinson responded that was a separate item, but yes he believed the City could do so if desired.

Council Member Bass stated he has served as a hearing officer in a code enforcement case, and he knows from that experience the city and the person the city was citing, were both pleased with the administrative process. Both sides find it to be much more efficient and less costly than court charges.

MOTION: It was moved by Mayor Robinson, second by Council Member Voigts, to introduce an Ordinance for first reading entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 1.16 TO THE LAKE FOREST MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS. MOTION UNANIMOUSLY CARRIED.

13. CONSIDERATION OF CITY COUNCIL TRAVEL AND EXPENDITURE REIMBURSEMENT POLICY

City Manager Dunek introduced Deputy City Manager/Director of Management Services Rose, who presented the staff report dated November 18, 2014.

Ms. Rose presented the history of the travel policy, and highlighted the notable changes in the policy, such as the Council's use of the Cal-Card purchase VISA program, the process for purchasing airfare and train tickets, limiting the meal reimbursements to the federal IRS per diem

rate, the requirement for receipts not having personal expenses included with City expenses, the need for invoices or receipts for food and beverages, and the new staff review procedure.

Council discussion ensued.

MOTION: On motion by Council Member Bass, second by Council Member Voigts, the City Council approved the revised City Council Travel and Expenditure Policy as submitted. MOTION UNANIMOUSLY CARRIED.

14. CONSIDERATION OF CITY COUNCIL LEADERSHIP SELECTION PROCESS

City Manager Dunek indicated there was no formal staff presentation for this agenda item.

The following member of the public offered comment:

Randy Johnson, Lake Forest resident, expressed confusion about the intent of the item for discussion. He stated residents have high expectations of the Council, stating the Council is a reflection of the community. He stated his belief that people without integrity should not be promoted to the position of Mayor to represent the people of Lake Forest, making sure that the Mayor possesses the utmost integrity and represents the City well.

Mayor Robinson stated the change to the present leadership selection policy occurred prior to his election and he is not supportive of the current policy. He expressed his belief there should not be a limit on the number of terms a person can serve, and stated he thinks some people could come into the position and serve in a leadership role right away.

MOTION: On motion by Mayor Robinson, second by Council Member Voigts, the City eliminated the requirement to serve as a member of the City Council for one year prior to serving as a Mayor or Mayor Pro Tem, and removed the restriction from serving more than one consecutive year in the office of Mayor or Mayor Pro Tem without taking a one year hiatus. MOTION UNANIMOUSLY CARRIED.

15. TOTAL LEGAL COST IN THE CASE OF ADAM & SHERRY NICK, ET AL., V. CITY OF LAKE FOREST, ET AL AS OF NOVEMBER 18, 2014.

City Manager Dunek stated there was no formal staff report for this agenda item. The following member of the public offered comments:

Randy Johnson, Lake Forest resident, spoke to his dismay that an official would represent the City and then sue the City.

Adam Nick, Lake Forest resident, spoke from the podium that his lawsuit was filed before he was elected to serve as a member of the City Council.

Council discussion ensued.

Council Member Bass referenced the current costs of $114,000 and stated those costs are actual expenses the City has spent to pay attorneys to defend the City in this litigation. Council Member Bass stated Adam Nick made the comment he would reimburse the City if he (Nick) loses the litigation, making no distinction between legal fees and attorney costs.

Council Member McCullough, noted that while Mr. Nick is not asking for financial compensation from the lawsuit, it is still costing the City money. She commented Mr. Nick is not only suing the City, but the council members individually.

Council discussion continued.

Council Member McCullough commented for the record that in January when she is healthier she will be starting a grass roots campaign to help train people to select council members of integrity.

ACTION: The City Council received and filed the report.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Bass reported attending the Veterans Day ceremony at El Toro Memorial Park. Speaking regarding the amenities at the Lake Forest Sports Park, he reported playing basketball at the Sports Park with Mayor Robinson and others. Council Member Bass concluded his remarks by wishing everyone a Happy Thanksgiving.

Council Member McCullough noted that she joins with the citizens to ask for Mr. Nick's resignation. As of January 1, she is starting Lake Forest Grassroots organization to stop the negative campaigns and to train volunteers to run for office. Council Member McCullough thanked everyone who sent her flowers, cards, prayers while she was ill, and concluded by wishing everyone a Happy Thanksgiving.

Council Member Voigts thanked the people of Lake Forest for re-electing him. He spoke to the loss of institutional knowledge with Council Members' Bass and McCullough's departure from the Council. He wished the residents of Lake Forest a Happy Thanksgiving and encouraged people to go to Sports Park over the holiday break.

Mayor Pro Tem Nick reminded the audience that his election occurred following the filing of his lawsuit. He reported he had won with the highest number of votes in the 2012 election. He spoke to the many agenda items he had introduced, including terms limits, the travel policy change, the supermajority for an increase in fees, and stated his intent to continue to serve the residents. He asked for the community's patience in the outcome of the investigation.

Mayor Robinson expressed gratitude and thanks to Council Member McCullough, who with the term limit ordinance in place now, will be remembered as the longest serving Council Member in Lake Forest history. He also thanked Council Member Bass, expressing his desire that both Mr. Bass and Mrs. McCullough remain active in the community. He also called on the public to remain active in the democratic process.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned the regular City Council meeting at 9:47 p.m.

Respectfully submitted:

Stephanie D. Smith

STEPHANIE D. SMITH, CMC
CITY CLERK

APPROVED:

Dwight Robinson

DWIGHT ROBINSON
MAYOR