

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
July 5, 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:

5:30 p.m.

ROLL CALL: Council Members:

Kathryn McCullough

Marcia Rudolph

Scott Voigts

Mark Tettermer

Peter Herzog

Mayor Pro Tem:

Mayor:

City Manager:

City Attorney:

City Clerk:

Robert C. Dunek

Scott C. Smith

Stephanie D. Smith

CLOSED SESSION (F: 16.3)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)

Existing Litigation

Number of Cases: 3

City of Lake Forest v. Moen, et al. (Consolidated Case No. 30-2009-00298887)

City of Lake Forest v. Pharmer's Choice Collective, et al. (Case No. 30-2010-00435043)

City of Lake Forest v. World Cann Wellness Center (OCSC Case No. 30-2011-00455359)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 1

City of Lake Forest v. Charles Wong, LLC, et al. (Case No. 30-2011
00477155)

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 1

In re Jonathan Ho and Julie Ho, (U.S. Bankruptcy Court Case No. 8:11-
bk-10907-ES)

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section
54956.9(b)
Number of Potential Cases: 1

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:50 p.m. from Closed Session for the purpose
of conducting regular City business.

RECONVENE: City Council reconvened at 7:00 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 Council Member
McCullough.

CLOSED SESSION REPORT: (F: 30.17A)

City Attorney Smith stated there was reportable action taken during Closed
Session. On motion by Mayor Pro Tem Tettemer and second by Council Member
McCullough, the City Council voted to approve the settlement agreement between
the City of Lake Forest v. Charles Wong, LLC, regarding transient occupancy tax
due and payable at the Irvine Suites Hotel. The settlement was executed by the

other party, and the Council authorized the Mayor to execute the settlement agreement. MOTION UNANIMOUSLY CARRIED.

PRESENTATIONS:

There were no items scheduled for Presentation.

RECESS: City Council recessed at 7:03 p.m. for the purpose of conducting Redevelopment Agency, Lake Forest Housing Authority, and Rancho Cañada Financing Authority business.

RECONVENE: The Lake Forest City Council reconvened at 7:06 p.m., with all Members present for the purpose of conducting combined City Council and Rancho Cañada Financing Authority business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Gregory Sprague and Josh Stecker.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 5)

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

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member Rudolph, the City Council approved the warrant register in the amount of \$2,889,142.35 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6 - 10)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. *6-10. MOTION UNANIMOUSLY CARRIED.

- *6. 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.

- *7. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JUNE 7, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *8. ATTENDANCE REPORT FOR THE PLANNING COMMISSION AND PARKS AND RECREATION COMMISSION FOR THE QUARTER ENDING JUNE 30, 2011 submitted by City Clerk. (F: 23.4)

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

- *9. QUARTERLY SIX MONTH CONTRACT EXPIRATION NOTICE MEMORANDUM submitted by City Clerk. (F: 11.2)

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

- *10. FINAL SAGUARO PROJECT RELOCATION PLAN submitted by Assistant City Manager. (F: 52.2)

ACTION: The City Council: 1. Approved Final Saguaro Relocation Plan. 2. Authorized submission of Final Saguaro Relocation Plan to the State Department of Housing and Community Development.

Council Member Voigts left the meeting at 7:15 p.m.

DISCUSSION/ACTION ITEMS:

11. DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES CONFERENCE submitted by City Clerk. (F: 43.3C)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member Rudolph, the City Council appointed Council Member Kathryn McCullough as the primary Voting Delegate and Council Member Rudolph as the secondary Voting Delegate for the League of California Cities annual conference to be held September 21-23, 2011 in San Francisco. MOTION CARRIED with Council Member Voigts absent.

12. REQUEST FOR PROPOSALS: ALTON PARKWAY CERTIFICATE OF PARTICIPATION FINANCING submitted by Assistant to the City Manager. (F: 66.12)

Mayor Herzog requested the Rancho Cañada Financing Authority Item No. 3 to be heard concurrently with this item.

Staff report dated July 5, 2011 was introduced.

ACTION: On motion by Council Member McCullough and second by Mayor Herzog, the City Council: 1. Adopted Resolution No. 2011-21 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST AUTHORIZING PROCEEDINGS AND AGREEMENTS RELATING TO THE FINANCING OF THE IMPROVEMENT OF ALTON PARKWAY, APPROVING ISSUANCE AND SALE OF A CERTIFICATE OF PARTICIPATION AND AUTHORIZING OFFICIAL ACTIONS. 2. Approved the Request for Proposals ("RFP") for Private Placement Financing for the Alton Parkway Project. 3. Authorized the City's Financial Advisor to distribute the RFP to qualified financial institutions. 4. Approved the legal documents associated with the Certificate of Participation, including the Lease Agreement, Trust Agreement, and Assignment Agreement. 5. Authorized the City Manager to approve a Professional Consultant Services Agreement with Fieldman, Rolapp & Associates for Financial Advisory Services. 6. Approved a Special Counsel Services Agreement with Best Best & Krieger LLP for Legal Services. MOTION CARRIED with Council Member Voigts absent.

13. ADOPTION OF THE 2010 CALIFORNIA BUILDING STANDARDS CODE AND FIRE CODE submitted by Director of Development Services. (F: 20.2)

Staff report dated July 5, 2011 was introduced.

ACTION: On motion by Mayor Herzog and second by Council Member McCullough, the City Council: 1. Introduced and approved for first reading Ordinance No. 231 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 2010 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. 2. Introduced and approved for first reading Ordinance No. 232 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 2010 CALIFORNIA FIRE CODE, WITH APPENDICES AND AMENDMENTS THERETO. 3. Scheduled a public hearing for August 2, 2011 to adopt the Ordinances identified above and directed staff to prepare the appropriate public hearing notices. MOTION CARRIED with Council Member Voigts absent.

14. UPDATED LOCAL IMPLEMENTATION GUIDELINES FOR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT submitted by Director of Development Services. (F: 72.4E6)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council adopted Resolution No. 2011-22 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE 21000 ET SEQ.). MOTION CARRIED with Council Member Voigts absent.

15. STATUS REPORT REGARDING THE CONSIDERATION OF A PROCESS TO ALLOW ADDITIONAL RESIDENTIAL DEVELOPMENT WITHIN THE AREA FORMERLY ENCUMBERED BY THE NOISE CONTOUR OF MCAS EL TORO submitted by Assistant City Manager. (F: 50.11)

The following member of the public offered comments: James O'Malley.

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

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

ACTION: The City Council approved staff report recommendations.

17. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES AND/OR ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY submitted by City Clerk.

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 was absent.

Mayor Pro Tem Tettermer offered comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 8:22 p.m.

DRAFT