

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
November 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:

6:03 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 (F: 16.3)

1. 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Existing Litigation

Number of Cases: 5

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)

City of Lake Forest v. 007 South County's Secret Spot (OCSC Case No.

30-2011-00497739)

Nick v. City of Lake Forest (30-2011-00489104-CU-WM-CJC)

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 7:01 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 Tetterer.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

There were no items scheduled for Presentation.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Alice Hackett, Student Liaison from El Toro High School, presented her report.

PUBLIC COMMENTS: (F: 26.12)

The following member of the public offered comments: Bob Holtzclaw.

CONSENT CALENDAR - WARRANT REGISTER: (Item 2)

2. CERTIFICATE OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 30.11)

Council Member Tetterer 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 Council Member McCullough and second by Mayor Pro Tem Tetterer, the City Council approved the warrant register in the amount of \$1,275,717.26 as submitted. MOTION UNANIMOUSLY CARRIED.

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

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council approved Consent Calendar Item Nos.*3-9. MOTION CARRIED with Mayor Pro Tem Tetterer abstaining on Item No. 5.

- *3. 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.

- *4. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON OCTOBER 18, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *5. ADOPTION OF ORDINANCE NOS. 235 AND 236 submitted by City Clerk. (F: 50.11C)

ACTION: The City Council: 1. Conducted second reading and adopted Ordinance No. 235 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST AMENDING THE LAKE FOREST MUNICIPAL CODE BY AMENDING SECTIONS 7.19.030 AND 7.19.050 OF THE LAKE FOREST MUNICIPAL CODE REGARDING THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM.

2. Conducted second reading and adopted Ordinance No. 236 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST IMPLEMENTING THE BASELINE ADJUSTMENT OF THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM PURSUANT TO CHAPTER 7.19 OF THE LAKE FOREST MUNICIPAL

CODE. MOTION CARRIED with Mayor Pro Tem Tetteimer abstained.

- *6. ENGINEERING DESIGN SERVICES CONTRACT AWARD FOR ANNUAL STREET RESURFACING AND SLURRY SEAL PROJECTS (PW 2011.01) submitted by Director of Public Works/City Engineer. (F: 64.4A 2011.01)

ACTION: The City Council: 1. Awarded a contract in the amount of \$96,200 to APA Engineering, Inc., of Irvine, California, to provide engineering design services for the City's Annual Street Resurfacing and Slurry Seal Projects. 2. Authorized the Mayor to sign, and City Clerk to attest the contract with APA Engineering, substantially in the form attached.

- *7. NOTICE OF COMPLETION FOR THE ETNIES SKATE PARK EXPANSION PROJECT PW 2009.10 submitted by Director of Public Works/City Engineer. (F: 46.9A PW 2009.10)

ACTION: The City Council: 1. Found that California Skate Parks of Upland, California has completed construction of the Etnies Skate Park Expansion Project PW 2009.10. 2. Approved the Notice of Completion and Authorized the Mayor to execute the documents on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion for recordation with the County Recorder of Orange County, within 10 days of City Council approval as required by Section 3093 of the California Civil Code. 4. Authorized payment of the ten percent retention payment to the contractor in the amount of \$84,154.98, 30 days after the recording of the Notice of Completion, providing no Stop Notices are on file with the City preventing release of the final payment.

- *8. STATUS OF COMPLIANCE WITH NPDES STORMWATER PERMITS FIRST QUARTER FISCAL YEAR 2011-2012 submitted by Director of Public Works/City Engineer. (F: 69.13C)

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

- *9. RESOLUTION AND AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE ENVIRONMENTAL CLEANUP PROGRAM submitted by Director of Public Works/City Engineer. (F: 71.12D2)

ACTION: The City Council: 1. Approved Resolution No. 2011-31 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

LAKE FOREST, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR AUTOMATIC RETRACTABLE SCREEN CATCH BASIN RETROFIT PROJECT. 2. Authorized the City Clerk to send a certified copy of the approved resolution to the Orange County Transportation Authority. 3. Approved Letter Agreement No. C-1-2773, City of Lake Forest, "M2 CTFP Master Funding Agreement " - Letter Agreement No. 1, substantially in the form attached. 4. Authorized the Mayor to execute, and the City Clerk to attest, Letter Agreement No. C-1-2773.

DISCUSSION/ACTION ITEMS:

10. DISCUSSION RE: (1) POSSIBLE AMENDMENT OF LAKE FOREST MUNICIPAL CODE SECTIONS 2.04.100 - 2.04.130, WHICH GOVERN APPEALS OF CERTAIN ADMINISTRATIVE AND PLANNING COMMISSION DECISIONS; (2) CONSIDERATION OF CHARGING TIME AND MATERIALS FEES FOR LAND USE APPEALS; AND (3) COUNCIL POLICY FOR EX PARTE COMMUNICATIONS WITH APPLICANTS AND APPELLANTS submitted by City Attorney. (F: 40.1)

City Attorney Smith introduced the staff report dated November 1, 2011.

ACTION: The City Council provided staff with direction to prepare a draft amendment to the municipal code regarding appeals to be further discussed at a future Council meeting.

11. 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.

RECESS: The City Council recessed at 8:47 p.m.

RECONVENE: The City Council reconvened at 8:53 p.m.

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 comments. He asked for Consensus for a future agenda item regarding a flag drop box.

CONSENSUS: Staff will add a future agenda item to discuss a flag drop box within the City of Lake Forest.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:15 p.m.