

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
May 3, 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: 5:35 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. 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. Patient Farmers Cooperative (OCSC Case No. 30-2011-00455352)

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

City of Lake Forest adv. Marla James, et al. (Case No. SACV 10-00402 AG(MLGx))

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

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APN: 612-022-10
Agency negotiators: City Manager and City Attorney
Negotiating parties: Property - Alex Rados
Under Negotiation: Price and Terms of Payment

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:55 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:03 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:

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

4. PROCLAMATION DESIGNATING MAY 15-21, 2011, AS "NATIONAL PUBLIC WORKS WEEK" submitted by Director of Public Works/City Engineer. (F: 55.2)

ACTION: On motion by Mayor Pro Tem Tetteimer and second by Council Member Rudolph, the City Council approved the proclamation designating the week of May 15-21, 2011, as National Public Works Week in the City of Lake Forest. MOTION UNANIMOUSLY CARRIED.

5. RECOGNITION OF GRADUATES OF THE 2011 LAKE FOREST COMMUNITY EMERGENCY PREPAREDNESS ACADEMY submitted by Chief of Police Services. (F: 55.5)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member Rudolph, the City Council approved and presented Certificates of Recognition to John Albano, Juanito Amor, Grace Barnes, Dave Bass, Jolene Bass, Julia Carrillo, Louis Carrillo, Todd Clark, Sylvie Cote, Peggy Falcon, Claudia Fowler, Bruce Fruchter, Tammy Hinkle, Barbara Jones, Emmitt Lee Jones, Karen Knox, Peter Knox, Becki McGrath, Paul McGrath, Doris Neel, Jill Pollard, Eileen Rubin, and Darlene Perkins. MOTION UNANIMOUSLY CARRIED.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

John Heffel, Student Liaison from El Toro High School, presented his report.

RECESS: City Council recessed at 7:11 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:33 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Larry Gilbert, Bart Van Ardenne, Sue Thomas, Ulu Cook, Tamara Palos, Harris Khan, Linda Lewis, Paul Hoffman, Richard Hoffman, and Rob Lange.

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

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

Mayor Pro Tem Tettemer 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.

Mayor Pro Tem Tettemer concluded in consultation with the City Attorney, he would abstain on the warrant payable to David Taussig to avoid potential conflict of interest.

ACTION: On motion by Council Member Voigts and second by Council Member Rudolph, the City Council approved the warrant register in the amount of \$1,838,914.93 as submitted. MOTION CARRIED with Mayor Pro Tem Tettemer abstaining on the warrant payable to David Taussig and Associates.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 18)

On motion by Council Member McCullough and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. *7-8, *10-11, *13, and *15 as submitted. MOTION CARRIED with Mayor Pro Tem Tettemer abstaining on Item No. 10.

- *7. 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.

- *8. MINUTES OF THE SPECIAL WORKSHOP MEETING OF MARCH 29, 2011, AND THE REGULAR MEETING OF THE CITY COUNCIL HELD ON APRIL 5, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *10. ADOPTION OF ORDINANCE NO. 230 submitted by City Clerk.
(F: 50.11)

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 230 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 8-10-1374 TO ALLOW A 5-FOOT INCREASE TO THE RESIDENTIAL HEIGHT LIMIT FROM 35-FEET TO 40-FEET ON THE IRVINE RANCH WATER DISTRICT / SERRANO SUMMIT PROPERTY (ASSESSOR'S PARCEL NUMBERS 104-132-36 AND 65). 2. Adopted Ordinance No. 230.

- *11. MONTHLY TREASURER'S REPORT - MARCH submitted by Director of Finance/City Treasurer. (F: 30.12)

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

- *13. COOPERATIVE AGREEMENT WITH CITY OF LAGUNA HILLS FOR LIGHTING THE I-5 OVERCROSSING OF EL TORO ROAD submitted by Director of Public Works/City Engineer. (F: 64.3)

ACTION: The City Council: 1. Approved cooperative agreement with City of Laguna Hills for sharing the electrical and maintenance costs for lighting El Toro Road under the I-5 Freeway. 2. Authorized the City Manager to sign the agreement.

- *15. BID DOCUMENTS AND AUTHORIZATION TO BID SLURRY SEAL PROJECT ON VARIOUS STREETS PW 2009.08D submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2009.08D)

ACTION: The City Council: 1. Approved the bid specifications for the Slurry Seal Project on Various Streets PW 2009.08D. 2. Authorized staff to solicit bids for construction.

PULLED CONSENT CALENDAR ITEMS:

9. ADOPTION OF ORDINANCE NO. 229 submitted by City Clerk. (F: 50.11E) (X: 31.3)

Council Member McCullough pulled this item for separate consideration.

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council: 1. Conducted the second reading of Ordinance No. 229 entitled: AN ORDINANCE OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA 2-11-1729) TO AMEND THE GENERAL PLAN LAND USE ELEMENT TO DESIGNATE A PORTION OF THE PROPOSED SPORTS PARK FROM "REGIONAL PARK/OPEN SPACE" TO "COMMUNITY PARK/OPEN SPACE." 2. Adopted Ordinance No. 229. MOTION UNANIMOUSLY CARRIED.

12. AWARD OF CONTRACT FOR CONSULTANT SERVICES FOR ENVIRONMENTAL REVIEW FOR THE PROPOSED KAISER PERMANENTE MEDICAL OFFICE DEVELOPMENT submitted by Director of Development Services. (F: 47.12D)

Council Member Rudolph pulled this item for separate consideration.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Approved the selection of LSA Associates Inc. to prepare the environmental documents for the proposed Kaiser Permanente Medical Office development, in an amount not to exceed \$34,300. 2. Authorized the Mayor to execute, and the City Clerk to attest, the agreement with LSA Associates, Inc. **MOTION UNANIMOUSLY CARRIED.**

14. **SECOND AMENDMENT WITH RBF CONSULTING FOR THE ALTON PARKWAY PROJECT (PW 2009.02) submitted by Director of Public Works/City Engineer. (F: 66.12)**

Mayor Pro Tem Tetterer pulled this item for separate consideration.

ACTION: On motion by Mayor Pro Tem Tetterer and second by Council Member Voigts, the City Council: 1. Approved the Second Amendment to the Agreement with RBF Consulting for design services for the Alton Parkway Project. 2. Authorized the Mayor to execute the Second Amendment to the Agreement with RBF Consulting, substantially in the form attached. **MOTION UNANIMOUSLY CARRIED.**

16. **APPROVE 2011/12 ACTION PLAN AND ADOPT RELATED RESOLUTIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) submitted by Assistant City Manager. (F: 73.7H2)**

Council Member Rudolph pulled this item for separate consideration.

ACTION: On motion by Mayor Pro Tem Tetterer and second by Mayor Herzog, the City Council: 1. Approved the 2011/12 Action Plan, reprogramming of unspent CDBG from prior years, and Amendment to Citizen Participation Plan. 2. Adopted Resolution No. 2011-13 entitled: A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A SECTION 3 PLAN IN COMPLIANCE WITH 24 CFR, PART 135 FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. 3. Adopted Resolution No. 2011-14 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE 2010-2015 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. **MOTION CARRIED** with Council Member Rudolph opposing.

17. AMENDMENT TO AGREEMENT FOR HOUSING REHABILITATION LOAN PROGRAM IMPLEMENTATION SERVICES submitted by Assistant City Manager. (F: 73.7E)

Staff pulled this item for separate consideration.

CONSENSUS: Under recommendation by staff, the City Council continued the item to the May 17, 2011 City Council meeting.

18. AMENDMENT TO AGREEMENT FOR HOUSING REHABILITATION LOAN PROGRAM ESCROW SERVICES submitted by Assistant City Manager. (F: 73.7E)

CONSENSUS: Under recommendation by staff, the City Council continued the item to the May 17, 2011 City Council meeting.

DISCUSSION/ACTION ITEMS:

19. CONSIDERATION OF POTENTIAL ADDITIONAL RESIDENTIAL DEVELOPMENT WITHIN THE OPPORTUNITIES STUDY AREA submitted by Assistant City Manager. (F: 50.11)

Staff report dated May 3, 2011 was introduced.

ACTION: The City Council provided direction as to the desirability, scope and timing of a study process that may be used to evaluate future land use changes within the Opportunities Study Area.

20. REVIEW OF APPOINTMENT TO ORANGE COUNTY VECTOR CONTROL BOARD submitted by Deputy City Manager/Director of Management Services. (F: 71.20)

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council requested staff to publish a public notice for applicants to fill the vacancy and continued the item for reconsideration at the City Council meeting of June 7, 2011. MOTION UNANIMOUSLY CARRIED.

21. LAKE FOREST CHAMBER OF COMMERCE BUSINESS PROPOSAL submitted by Assistant City Manager. (F: 42.2)

Staff report dated May 3, 2011 was introduced.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council reviewed the Lake Forest Chamber of Commerce Proposal and directed staff to prepare an amended City/Chamber Partnership Agreement to reflect the desired scope of services and City Investment. MOTION UNANIMOUSLY CARRIED.

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

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

23. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES AND/OR ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY submitted by City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member McCullough presented comments.

Council Member Rudolph presented comments.

Council Member Voigts presented comments.

Mayor Pro Tem Tettermer presented no comments.

Mayor Herzog presented comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:55 p.m.