

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

The regular meeting of the Lake Forest City Council held August 6, 2013 at the Lake Forest Council Chamber, 25550 Commercentre Drive, Lake Forest, California 92630, was called to order at 5:48 p.m.

**ROLL CALL:**

Council Members:	Peter Herzog Adam Nick Dwight Robinson
Mayor Pro Tem: Mayor	Kathryn McCullough Scott Voigts
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Stephanie D. Smith

**RECESS:** City Council recessed at 5:48 p.m. for the purpose of conducting Closed Session Business.

**CLOSED SESSION**

Council Member Nick joined Closed Session at 5:50 p.m. Mayor Pro Tem McCullough joined the Closed Session at 6:00 p.m.

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(1)  
Case Name: Nick v. City of Lake Forest  
Case Number: 30-2011-00489104-CU-WM-CJC
2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957  
Title: City Attorney

**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**

**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 Mayor Voigts.

**CLOSED SESSION REPORT:**

City Attorney Smith reported he did not participate in Closed Session Item No. 1, under the professional services doctrine. He stated Mr. Nick also did not participate as he had a conflict of interest as the petitioner in the litigation. There was no reportable action taken for either Item Nos. 1 or 2.

**PRESENTATIONS:**

3. **NEW EMPLOYEE INTRODUCTION FOR JUAN ESQUIVEL, ADMINISTRATIVE SECRETARY/MANAGEMENT SERVICES** submitted by City Clerk.

**MOTION:** On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council received the introduction of Juan Esquivel as the Administrative Secretary in the Department of Management Services. **MOTION UNANIMOUSLY CARRIED.**

4. **RECOGNITION OF 2013 PARADE VOLUNTEERS, SPONSORS, AND AWARD WINNERS** submitted by Director of Community Services.

**MOTION:** On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council recognized the volunteers who helped plan and produce the 2013 Lake Forest Independence Day Parade which included: Noma Bates, Oatha Bruckner, Joann Case, Nicholas Case, Randy Case, Michelle Clark, Sam Clark, Martin Deutschman, Robbie Deutschman, Myron Drinkwater, Marion Duffy, Patti Farina, Rich Farina, Jim Gardner, Martha Halvorson, Sharon Hanson, Jeffrey Herrin, Loretta Herrin, John Irish, Rosalie Irish, David Koppel, Rick Lancaster, Jeanne Mastropietro, Margie Matsil, O'Neal McCullough, John Meyers, Trudi Meyers, Rita Middleton, Dick Mink, Tibby Montgomery, Doris Neel, Tami Norris, Andrew Patterson, Rosa Patterson, Elaine Poing, Matt Rayl, Cheryl Ricciardi, Robert Seaman, Charlene Seaman, Nancy Smeaton, Elizabeth Smith, Sheila Smith, Richard Stein, Carol Tardif, Hanriette Taterossiom, Lisa Tooley, Kevin Valentine, Megan Valentine, Elizabeth Valentine, John Wilson, and Sybil Wilson. Parade Commendations went to: Lake Forest Kiwanis, Lake Forest Explorer Post 449, Lake Forest Police Services, Lake Forest Sheriff's Team of Active Retired Seniors (S.T.A.R.S.), and Orange County Fire Station 19. Acknowledged Sponsors included: Waste Management, Doctors Ambulance, Chick Fil A – El Toro and Foothill Ranch restaurants. The Parade Logo Designer was Susan Brown Matsumoto. The 10 Year plus volunteers honored included Myron Drinkwater and Sharon Hansen. The

Judges committee announced the parade winners as follows: Appreciation Award - Frostings Cupcakes, Best Theme Award – Lake Forest Parade Committee, Best Commercial Unit - Freedom Village, Best of Lake Forest - City of Lake Forest, Mayor's Award - Arbor Christian Fellowship, Most Original Award - Little Pioneer's Camp, Most Creative Award - Amigos de las Colinas, Best Musical Unit - El Toro Marching Royal Blue Regiment, Best Vehicle - Neil Sontag, Most Patriotic Award - One Man Rifle Drill Team, Best Dance Unit - Zumba with Tanya and Friends, Sandy Mink Award - Sousa Family and Floyd Family, Legacy Award - Uncle Sam and Snoopy's Bi-Plane, Appreciation Award - Waste Management, Best Civica Unit - Mission Vlejo Saddleback Valley Elks Lodge, Best Community Outreach - California State Firefighter's Association, Best Band on a Truck - Terra Nova Band, Best Spirit Award – Lake Forest Little League All Stars, and the Best Animal Award - Minnie Madness.

Mayor Voigts congratulated Senior Recreation Coordinator Ron Rivera for his coordination of the successful parade.

RECESSED: The City Council recessed at 7:35 p.m.

RECONVENED: The City Council reconvened at 7:44 p.m., with all Members present for the purpose of conducting the special meeting of the Lake Forest Housing Authority.

RECESSED AND RECONVENED: The City Council recessed from the Housing Authority and reconvened at 7:45 p.m., with all Members present to continue regular City business.

#### PUBLIC COMMENTS:

The following members of the public presented comments:

Andrew O'Connor, Lake Forest resident, spoke in opposition to the Towne Center Residential (Brookfield) project. He addressed specifically the traffic issues for the project and the impact at the local schools. He provided data from the School District.

Jim Gardner, Lake Forest resident, spoke in opposition to the Towne Center Residential (Brookfield) project and submitted an analysis on traffic.

Bob Holtzclaw, Lake Forest resident, spoke regarding recyclables scavenging.

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

5. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

MOTION: On motion by Council Member Robinson and second by Council Member Herzog, the City Council approved the warrant register in the amount of \$2,456,633.13 as submitted. MOTION CARRIED with Council Member Nick abstained because of self-

interest on the warrants payable to Cummins & White, LLP and Best Best & Kreiger, LLP.

**CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6 - 17)**

**MOTION:** On motion by Council Member Herzog and second by Council Member Robinson, the City Council approved Consent Calendar Item Nos. \*6-7, \*9-10, \*12, and \*14-17. **MOTION UNANIMOUSLY CARRIED.**

- \*6. **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.

- \*7. **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 2, 2013** submitted by City Clerk.

**ACTION:** The City Council approved the Minutes as submitted.

- \*9. **THIRD AMENDMENT TO AGREEMENT WITH MARIS IMAGING, INC. FOR ELECTRONIC DOCUMENT MANAGEMENT SERVICES** submitted by Deputy City Manager/Director of Management Services.

**ACTION:** The City Council approved the Third Amendment to the Agreement with Maris Imaging, Inc. substantially in the form attached.

- \*10. **RE-ADOPTION OF STANDARD CONTRACT/AGREEMENT TEMPLATES** submitted by Deputy City Manager/Director of Management Services.

**ACTION:** The City Council re-adopted standard contract/agreement templates: (1) Architectural Services Agreement; (2) Construction Bidding and Contract Documents; (3) Construction Contract (Short Form); (4) Letter Agreement; (5) Maintenance Services Agreement; (6) Professional Consultant Services Agreement; and (7) First Amendment for Services Agreement.

- \*12. **AGREEMENTS TO IMPLEMENT OCTA'S PROJECT V: COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM FOR PARTICIPATING LAKE FOREST EMPLOYERS** submitted by Assistant City Manager.

**ACTION:** The City Council: 1. Authorized the City Manager to execute the agreement with OCTA entitled: Cooperative Agreement No. C-3-1841 between Orange County Transportation Authority and City of Lake Forest for Project V. Community Based Transit Vans. 2. Authorized the City Manager to execute the attached Partnership Agreements with Oakley and Ossur.

- \*14. GRANT OF EASEMENT TO THE SOUTHERN CALIFORNIA EDISON COMPANY AT EL TORO ROAD AND PARKMONT/AUDUBON submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the Grant of Easement and Easement Agreement with the Southern California Edison Company. 2. Authorized the City Manager to sign, and the City Clerk to attest, the Grant of Easement and Easement Agreement with the Southern California Edison Company.

- \*15. REQUEST FOR PROPOSALS FOR CITYWIDE TRAFFIC SIGNAL MAINTENANCE submitted by Director of Public Works/City Engineer.

ACTION: 1. Approved the attached Request for Proposals for Traffic Signal Maintenance. 2. Authorized staff to solicit proposals for these services.

- \*16. SECOND AMENDMENT TO AGREEMENT WITH STANTEC CONSULTING SERVICES, INC., FOR PRELIMINARY ENGINEERING DESIGN AND COST ESTIMATES FOR PROPOSED IMPROVEMENTS ON SADDLEBACK RANCH ROAD submitted by Director of Public Works/City Engineer.

ACTION: 1. Approved the Second Amendment to the agreement with Stantec Consulting Services, Inc., to increase the contract not-to-exceed compensation from \$50,000 to \$76,986 (increase of \$26,986). 2. Authorized the Mayor to sign the Second Amendment with Stantec Consulting, substantially in the form attached.

- \*17. REQUEST FOR PROPOSALS FOR ENERGOV 9 MIGRATION PROJECT MANAGER submitted by Deputy City Manager/Director of Management Services.

ACTION: The City Council: 1. Approved the Request for Proposals for an EnerGov 9 Migration Project Manager. 2. Authorized staff to solicit and receive proposals for an EnerGov 9 Migration Project Manager.

**PULLED CONSENT CALENDAR ITEMS:**

8. ANNUAL REVIEW OF THE INVESTMENT POLICY submitted by Director of Finance/City Treasurer.

Mayor Pro Tem McCullough pulled this item for separate consideration. She asked for clarification regarding the reverse derivatives.

Staff reported the City does not have any investments in reverse derivatives or commercial paper. The City investment portfolio consists of Treasuries, Local Agency Investment Funds (LAIF), and California Asset Management Program (CAMP). The only change to occur is the LAIF provides more room for developer deposits.

Council Member Robinson suggested he would like to revisit the investment policy after the completion of the sports park.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Nick, the City Council approved the Investment Policy as submitted. MOTION UNANIMOUSLY CARRIED.

11. AUTHORIZATION TO SUBMIT DRAFT 2013-2021 GENERAL PLAN HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR REVIEW submitted by Director of Development Services.

This item was pulled by a member of the public. Mr. Cesar Covarrubias, director of the Kennedy Commission, commended staff for their Housing Element. He submitted a letter with comments supporting the City's efforts with the Shea-Baker and Portola projects.

Brenda Rodriguez, Lake Forest resident, stated she works for the Affordable Housing Clearing House and encourages everyone to look at the comments submitted by the Kennedy Commission.

Jacqui Kerze, from the Regional Center of Orange County, stated her center provides services to 365 individuals in Lake Forest; people with developmental disabilities. She stated most of these individuals still live at home with their families. She thanked the Council for their efforts.

ACTION: On motion by Council Member Herzog and second by Council Member Robinson, the City Council: 1. Authorized staff to submit for review the City of Lake Forest Draft 2013-2021 Housing Element to the California Department of Housing and Community Development (HCD). MOTION UNANIMOUSLY CARRIED.

13. CITY MANAGER EMPLOYMENT AGREEMENT submitted by City Attorney.

Council Member Herzog pulled this item for separate consideration. He summarized he had voted no on both the agreement and the bonus.

Council Member Robinson also stated he had voted no, but clarified it was not related to performance, but significant economic difficulties as currently being experienced within the country. He stated he wanted to be a good steward of the tax dollars.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Nick, the City Council approved the Second Amendment to the City Manager Agreement for Employment and authorized the Mayor to execute and the City Clerk to attest the document. MOTION CARRIED with Council Member Herzog and Council Member Robinson opposed.

City Attorney Scott Smith announced the award of a bonus from the Closed Session

discussions. He read a statement that a bonus was given of \$10,000 to the City Manager.

**PUBLIC HEARING(S):**

18. ANNUAL REVIEW OF DEVELOPMENT AGREEMENTS submitted by City Manager.

Staff report dated August 6, 2013 was introduced.

Mayor Voigts opened the Public Hearing to public comments.

Mayor Voigts closed the public comment portion of the Public Hearing.

**MOTION:** On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council: 1. Conducted the annual review of development agreements between the City and the following parties: 1) Irvine Ranch Water District ("IRWD"); 2) USA Portola Properties, LLC, and SunRanch Capital Partners, LLC ("Portola"); 3) Westbay Trust U/A DTD ("Pinnacle"); 4) KB Home Coastal, Inc. ("KB"); and 5) Shea/Baker Ranch Associates, LLC ("SBRA"). 2. Found that IRWD, Portola, Pinnacle, KB, and SBRA are each in good faith compliance with their respective development agreements. **MOTION UNANIMOUSLY CARRIED.**

19. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT 11-12-2955 FOR NEW U-HAUL SELF-STORAGE BUILDINGS WITH EQUIPMENT AND TRUCK RENTAL (25290 JERONIMO ROAD) submitted by Director of Development Services.

Mayor Voigts introduced the staff report dated August 6, 2013.

City Attorney Smith informed the Council his firm has assisted staff in bringing forth this recommendation and also advised the Planning Commission in hearing the matter when it was before the Commission. He stated due process requires at this point the Council be represented by unbiased representation regarding this matter. He introduced Mr. Omar Sandoval, from the law firm of Woodruff, Spradlin & Smart. Mr. Smith noted he will be advising staff during this presentation as needed.

Council Robinson disclosed he met with Mr. Benning of the U-Haul Self-Storage business, and visited the site.

Council Member Nick disclosed he had a conference call for approximately forty-five minutes with Mr. Benning, which included Assistant City Manager Belmer, Associate Planner Mansur, and two Lake Forest residents Jim Gardner and Mary Altoff.

Mr. Sandoval reviewed the record of the proceedings for the hearing. He stated this is treated as an appeal under the Municipal Code, but is actually a request to bring the item

up to the Council by two Council Members. He stated this is a de novo review, which provides full authority to take any action as if the application was brand new. The law requires Council to hear all of the information before them on the record and any decision has to be based on and supported by the information provided on the record.

Mr. Sandoval asked each Council Member if they had visited the site. He reminded Council if there was a visit and if they were provided information that would be helpful in rendering a decision, that information would need to be divulged.

Council Member Robinson stated he stood outside the site for 30 minutes, and discussed only the aesthetics with Mr. Benning. He noted nothing was discussed that was not already in the staff report.

Mayor Voigts stated he drove by and visited the site, but did not speak with applicants.

Mayor Pro Tem McCullough stated she lives in the area, has a storage unit there, and has rented vehicles from U-Haul, but did not visit the site or have a discussion with Mr. Benning.

Council Member Nick stated he did have the telephone conversation as referenced before, but did not learn anything new.

Council Member Herzog did not visit the site nor discuss the appeal with anyone.

Mayor Voigts reviewed the hearing process.

Planning Manager Cheryl Kuta provided a detailed review of the project site.

Robin Benning, representing Americo Real Estate and U-Haul International, requested Council after hearing the presentation, uphold the Planning Commission's approval. He introduced U-Haul International, a self-storage and moving business. He reviewed their distinguishing features which includes one-of-a-kind style buildings and noted their properties and their trucks are their advertisement. He continued reviewing the company's background and the goals of the new project. He thanked staff for their assistance. Mr. Benning continued to elaborate on their efforts to meet all design guidelines. He referenced the checklist, and the eleven areas which were adapted in the structures design to conform to staff and residents request.

Mayor Voigts stated there were two U-Haul facilities already in Lake Forest.

Mr. Benning noted the facility located at Olive Road will be moving out and into this new facility.

The following members of the public offered comments:



Carlos Viscarra, from Phoenix, Arizona and president of U-Haul Real Estate, reviewed the 1100 company owned centers; he noted the site in Lake Forest is too small currently to sufficiently provide services for the Lake Forest residents. Customers come from primarily within a three-mile radius. He noted the trucks are tailored to household movers. The storage facility will provide storage units with space to maneuver for both moving trucks and vehicles.

Marcia Rudolph, Lake Forest resident, spoke regarding the design guidelines that worked for the city as well as the Light Industrial Area (LIA). She noted the design guidelines are important and should be applied to all businesses. She asked if a line-of-sight study was performed on the adjacent residences.

Mayor Voigts asked staff if a line-of-sight study was performed.

Director of Development Services Gayle Ackerman stated no study was performed.

Eric Crocker, U-Haul area district vice president, stated the location is needed for the volume of customers. There is a limited amount of space at the existing location.

Keith Hollenbeck, Lake Forest resident and representing the Homeowners Association for Cherry and Lake Forest Drive, spoke in opposition to the structure stating it is too large and out of proportion to all other structures in the adjacent area.

Veronica Dickenson, Huntington Beach resident, owns the property adjacent to this location where Ganahl Lumber currently rents. She stated the infrastructure in the area is old and the streets are narrower than they might normally be in a commercial/industrial area. She noted her business accesses its property from Orange Avenue. She stated U-HAUL is a wonderful company, however is concerned about the scale and size of the building.

Jim Gardner, Lake Forest resident, spoke in favor of the U-HAUL project. He expressed his concern about the trucks and the parking in the front.

Tom Casey, from Phoenix, Arizona, spoke in favor of the U-HAUL project stating the facility will help reduce truck traffic because there will be a designated area to pull in and drop off the trucks. He stated the trucks will not be maintained at the site but at a location outside of the area.

Mary Altoff, Lake Forest resident, spoke in favor of the project, but stated the building is too long and linear. She suggested it is wrong to park the trucks next to the sidewalk.

Vincent Burke, Lake Forest resident, suggested the vehicles will detract from the center. He suggested mounting one vehicle on a platform as an outdoor display. He suggested

no stopping zones in the area to remove unwanted parking.

Council Member Nick stated he supports business, growth, and property rights for the owner. He expressed concern about the size of the building and the number of trucks. He stated the Irvine U-Haul does not have trucks displayed outside where you can see them. He suggested the line-of-sight needs to be reviewed and how it affects the adjacent residents. He noted there are a number of staff recommendations that are not being met.

Council Member Herzog asked staff if they had a chance to analyze the new design changes and are staff's concerns addressed.

Planning Manager Kuta stated the plans were submitted soon after the Planning Commission approval, and what is addressed is what the Planning Commission approved. She noted staff had not given them a full analysis.

Council Member Herzog stated Jeronimo is one of the gateways to the City. The frontage on Jeronimo Road is still not meeting design guidelines. He noted the parking lot is still the dominant visual element. He recommended locating the trucks in the back of the building. He also recommended screening because of the height of the building.

Council Member Robinson asked what is the height of the building.

Planning Manager Kuta stated ten feet is below ground because the site loses elevation across the property. She clarified the differences between the adjacent properties.

Council Member Robinson asked the applicant what their need was to position trucks in the frontage area of the site.

Mr. Benning stated this is a staging area for the vehicles while they are being checked out.

Mr. Viscarra commented the business is a truck rental company where the trucks are continually being outsourced. It would not be profitable to have them staged as an advertisement.

Council Member Robinson asked if there will be access issues during construction along Orange Avenue.

Mr. Viscarra stated Orange Avenue would not be blocked during construction.

Council Member Robinson asked will the adjacent property owners be affected by the maintenance facility.

Mr. Viscarra stated there will not be a maintenance facility at this location. If equipment needs maintenance, it goes to another facility, the closest being in the City of Placentia.

Mayor Pro Tem McCullough stated her concerns were with the impact on both Orange Avenue and Jeronimo Road. She expressed the inability to go to her storage unit, or other businesses in that area without being stopped by day laborers. She recommended an agreement to refrain the day workers from congregating at the U-Haul facility. She also suggested a traffic study, review of illumination and directionals, and a line-of-sight study. She expressed concerns about the height of the building, the need for restricted parking, and additional traffic.

Mayor Voigts stated the City is business friendly and welcomes U-HAUL. He noted the guidelines are in place to provide guidance. He suggested the U-Haul site plan could be improved. He also suggested modifying both the site plan and the building.

Council Member Robinson stated there is a fundamental debate about guidelines versus mandate. It is unfair to the applicants to set mandates regarding day laborers. He stated this is an issue to discuss at another time.

Mr. Benning stated there will not be parking on Jeronimo; returned equipment will be housed in the back of the site. The gates will be operational to open after hours for rental returns.

Mayor Voigts closed the public portion of the Public Hearing.

Council discussion ensued.

Mr. Sandoval outlined procedural options for the Council. He recommended Council deny without prejudice. He stated this will give the applicant the ability to work out the technical issues and not have to wait for processing. He suggested the Council can also resubmit through the Planning Commission or resubmit directly to the Council body itself.

Mayor Pro Tem McCullough asked if Council can deny without prejudice and refer back to Planning Commission. She asked if this is an option for minor changes.

Mr. Sandoval suggested it is better to deny because it would remove the legal requirements due to timing. He also clarified that we cannot impose a Development Agreement. He noted only the property owner can request it.

Council Member Herzog moved to grant the appeal, deny the use permit, and direct the item be sent back to staff, and that it be returned to the Planning Commission should the applicant so desire.

Mayor Pro Tem McCullough asked how is Council Member Herzog's motion different from what the special counsel has recommended.

Mr. Sandoval stated it's basically the same application. It is a full denial.

Council Member Herzog added, "without prejudice."

Mayor Pro Tem McCullough seconded the motion.

Council Member Nick made a substitute motion to grant the appeal, go back to the staff for revisions, and return the appeal directly to the City Council and not to the Planning Commission.

Council discussion ensued.

Mr. Sandoval stated it is possible, but he recommends returning it to the Planning Commission as it is the body that would normally review this application.

Council Member Robinson expressed concern with returning the item to the Planning Commission.

Mr. Sandoval stated the decision to send it back to the Planning Commission can be appealed to a Court of Law.

Council discussion continued.

Council Member Nick withdrew his substitute motion and stated he supported Council Member Herzog's motion.

Mayor Voigts called for roll call vote.

MOTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council: 1. Denied without prejudice the Use Permit directing the applicant to redesign the architecture of the building in conformance with the Light Industrial Area Design Guidelines and to submit the revised plans to the Planning Division. 2. Directed staff to submit the revised plans to the Planning Commission for disposition. MOTION CARRIED with Council Member Robinson opposed.

#### DISCUSSION/ACTION ITEMS:

20. ESTABLISHMENT OF PARKING RESTRICTIONS ON A PORTION OF MIDCREST DRIVE submitted by Director of Public Works/City Engineer.

City Manager Dunek introduced Director of Public Works Tom Wheeler.

Director Wheeler provided the staff report dated August 6, 2013.

Mr. Roger Lee, Lake Forest resident, spoke in support of parking restrictions. He stated he is a property owner on Midcrest Drive and stated there are parking problems daily.

Council Member Robinson reported he spoke with residents in the area and their complaints included people parking their cars and being picked up by others to drive them to their residence.

Council discussion ensued.

Mayor Voigts called for the vote.

MOTION: On motion by Mayor Voigts and second by Council Member Nick, the City Council adopted Resolution No. 2013-24 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ESTABLISHING PARKING RESTRICTIONS ON A PORTION OF MIDCREST DRIVE BETWEEN PITTSFORD DRIVE AND 1,000-FEET SOUTH OF PITTSFORD DRIVE. MOTION UNANIMOUSLY CARRIED.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Nick, the City Council extended the time of the meeting. MOTION UNANIMOUSLY CARRIED.

21. RECONSIDERATION OF THE NO-CONTACT PROVISION AND PROPOSERS WORKSHOP - SOLID WASTE COLLECTION SERVICES REQUEST FOR PROPOSALS submitted by City Clerk.

Staff report dated August 6, 2013 was introduced.

Mayor Pro Tem McCullough stated she sought to bring this item back to review the substance and purpose of a "no-contact" provision.

Council Member Herzog stated he supports the no-contact provision, that it is clear and transparent, provides the best reviews of lengthy and complicated contracts. He stated the policy is in the best interest of the residents. He noted the real nuts and bolts of it are what are in the proposal. He questioned the need for a workshop. He supported moving forward in a clear, transparent and organized manner so the City receives the best reviews of the lengthy and complex proposals.

Council Member Herzog made a motion to reinstitute the no-contact clause. He made a second motion to remove the proposer's workshop from the RFP.

Council Member Robinson asked would a complete staff report be presented to Council including the top three recommendations for the RFP.

City Manager Dunek reported all applications and proposals are a matter of public record. He deferred to Director Wheeler.

Director Wheeler introduced Mr. William O' Toole from EcoNomics Inc., to provide a

summary of the procedure and what Council will receive for the RFP process.

Mr. O'Toole reviewed the City will receive five to six company responses to the RFP and staff will have a pre-proposal meeting to review the RFP's to ensure their completeness. The comparisons include the company approaches, cost structures, innovations, and the evaluation criteria as well as the processing capacity. A completeness check is performed with review of each RFP's individual proposal, their proposed concepts and approaches. Council will receive the completeness check and access to the forty-six point structure of the review.

Council Member Robinson stated he wants to make sure he can see as much information about the various businesses as possible. He asked if the no-contact provision is a "one way" contact, that Council had the right to contact the submitting businesses.

Mr. O'Toole stated the no-contact is a protection against abuse. If a Council Member wanted to do a site visit or tour, it can be coordinated by staff and EcoNomics.

Council discussion ensued.

Mayor Voigts asked if he wants to take a tour of a facility, would he contact the bidder directly.

Mr. O'Toole stated the arrangements should be made through staff or him.

Council Member Herzog moved to reinstate the no-contact clause. Mayor Pro Tem McCullough seconded the motion.

Mayor Voigts called for a vote.

Council Member Nick asked to address the Council. He wanted more information regarding the no-contact clause. He made a substitute motion to continue the item to the next City Council meeting. The substitute motion failed for lack of a second.

Council discussion continued.

Mr. O'Toole reviewed the no-contact policy.

**MOTION:** On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council reinstated a no-contact provision for the Solid Waste Collection Services Request for Proposals. **MOTION CARRIED** with Mayor Voigts opposed.

**MOTION:** On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council continued the Proposers Workshop for two weeks in conjunction with the Request for Proposals for Solid Waste Collection Services approved by the City Council at its regular meeting held June 4, 2013. **MOTION UNANIMOUSLY CARRIED.**

22. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager.

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

23. 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: Mayor Pro Tem McCullough noted she was asked to participate on the League of California Cities Conference Resolution Committee Board. The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Herzog offered no comments.

Council Member Nick offered no comments.

Council Member Robinson offered no comments.

Mayor Pro Tem McCullough reported in compliance with AB 1234, attending the Southern California Association of Governments meeting, and the Mental Health Services Act Steering Committee meeting.

Mayor Voigts thanked everyone for their attendance to the meeting.


CONTINUED CLOSED SESSION:

There was no continued Closed Session.

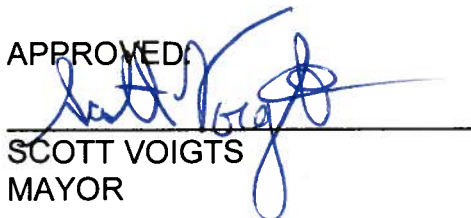
ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 11:20 p.m.

Respectfully submitted:

  
STEPHANIE D. SMITH, CMC  
CITY CLERK

APPROVED:

  
SCOTT VOIGTS  
MAYOR