

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
December 4, 2012

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:

7:04 p.m.

ROLL CALL: Council Members:

Peter Herzog

Marcia Rudolph

Mark Tettemer

Mayor Pro Tem:

Scott Voigts

Mayor:

Kathryn McCullough

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

City Clerk:

Stephanie D. Smith

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(b)
Significant exposure to litigation
Number of potential cases: 1
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: John Doe v. City of Costa Mesa, et al.
Case Number: United States District Court, Central District, Case No.
8:12-cv-01665-AG-RNB

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:52 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:04 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 Tettemer.

CLOSED SESSION REPORT:

City Attorney Smith reported at the meeting of November 20, 2012 in Closed Session, the City Council approved with a unanimous vote of 5/0, the terms of a settlement agreement in a civil case called Lake Forest v. Farino. Those terms were proffered to the other side of the lawsuit and were accepted. The settlement agreement has been executed and filed with the court. The case is over. This is the required reporting taken at the last City Council Closed Session meeting.

PRESENTATIONS:

3. RESOLUTION RECOGNIZING OUTGOING COUNCIL MEMBER MARCIA RUDOLPH submitted by City Clerk.

Mayor McCullough presented Council Member Rudolph a ceremonial Resolution recognizing her contributions to the City.

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council adopted Resolution No. 2012-61 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, COMMENDING COUNCIL MEMBER MARCIA RUDOLPH FOR HER 19 YEARS OF SERVICE TO THE COMMUNITY AS A MEMBER OF THE LAKE FOREST CITY COUNCIL. MOTION CARRIED with Council Member Rudolph abstained.

4. RESOLUTION RECOGNIZING OUTGOING COUNCIL MEMBER MARK TETTEMER submitted by City Clerk.

Mayor McCullough presented Council Member Tettemer a ceremonial Resolution recognizing his contributions to the City.

ACTION: The City Council adopted Resolution No. 2012-62 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, COMMENDING COUNCIL MEMBER MARK TETTEMER FOR HIS EIGHT YEARS OF SERVICE TO THE COMMUNITY AS A MEMBER OF THE LAKE FOREST CITY COUNCIL. MOTION CARRIED with Council Member Tette mer abstained.

5. COMMENTS BY OUTGOING CITY COUNCIL MEMBERS submitted by City Clerk.

Council Member Rudolph offered comments to her service on the City Council.

Council Member Tette mer offered comments to his service as a Council Member.

Mayor McCullough, Council Member Herzog, and Mayor Pro Tem Voigts offered praise to Council Member Rudolph and Council Member Tette mer.

ACTION: The City Council received comments by outgoing City Council Members Marcia Rudolph and Mark Tette mer.

RECESS: City Council recessed at 7:33 p.m.

RECONVENE: City Council reconvened at 7:40 p.m.

REPORT FROM STUDENT LIAISON:

Jens Personius, Student Liaison from El Toro High School, presented his report.

RECESS: The City Council recessed at 7:30 p.m.

RECONVENE: The City Council reconvened at 7:40 p.m.

PUBLIC COMMENTS:

The following members of the public offered comments: Linda Price, and Margie Matsil.

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

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

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council approved the warrant register as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 9)

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council approved the Consent Calendar Item Nos. *7-9. MOTION UNANIMOUSLY CARRIED.

- *7. 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.

- *8. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON NOVEMBER 6, 2012, submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *9. CONTRACT AWARD FOR SPORTS FIELD MAINTENANCE SERVICES submitted by Public Works/City Engineer.

ACTION: The City Council: 1. Approved an agreement in the amount of \$2,656,168.74 with Marina Landscape, Inc., of Anaheim, California, for sports field maintenance services. 2. Authorized the Mayor to execute, and the City Clerk to attest, an agreement with Marina Landscape Inc., substantially in the form attached.

DISCUSSION/ACTION ITEMS:

10. CONSIDERATION OF FUNDING FOR ORANGE COUNTY PEACE OFFICERS' MEMORIAL submitted by City Clerk.

Marilyn MacDougall, representing Orange County Sheriff's Advisory Council, addressed the Council and requested a donation for the Peace Officers Memorial in Tustin.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council moved to donate \$15,000 of City funds to the memorial. MOTION UNANIMOUSLY CARRIED.

11. CONSIDERATION OF REPORT AND PROGRAM ALTERNATIVES FOR PARK SAFETY, INCLUDING RECONSIDERATION OF ORDINANCE NO. 237 submitted by City Manager.

City Manager Dunek introduced and summarized the staff report dated December 4, 2012.

The following members of the public offered comments: Janice Belluci, Frank Lindsay, Linda Cordero, Jeffrey McBride, Jill Morgan, Merry Axelrod, Robert Curtis, Gregory Bird, District Attorney Tony Rackauckas, Kelly Hagins, Elise Linday, Vincent Burk, and written comments from Kitty Ryan.

City Attorney Smith provided an overview of the legal context surrounding the Ordinance.

Council discussion ensued.

ACTION: On motion by Council Member Herzog and second by Council Member Rudolph, the City Council: 1. Received and filed the report. 2. Introduced and approved for first reading Ordinance No. 248 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REPEALING LAKE FOREST MUNICIPAL CODE CHAPTER 13.12 RELATING TO REGISTERED SEX OFFENDERS IN CITY PARKS. 3. Directed the City Attorney to monitor legal developments in this area. 4. Provided direction to City staff regarding proposed program alternatives. MOTION CARRIED with Council Member Tetteimer abstained.

12. 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.

CITY COUNCIL CEREMONIAL ITEMS

13. RESOLUTION CERTIFYING THE NOVEMBER 6, 2012 ELECTION submitted by City Clerk.

Staff report dated December 4, 2012 was introduced.

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Rudolph, the City Council adopted Resolution No. 2012-64 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULT, AND SUCH OTHER MATTERS AS PROVIDED BY LAW. MOTION UNANIMOUSLY CARRIED.

RECESS: City Council recessed from the dais at 9:10 p.m.

RECONVENE: City Council reconvened at 9:16 p.m.

14. **INSTALLATION AND OATH OF OFFICE CEREMONY** submitted by City Clerk.

ACTION: City Clerk Smith administered the Oath of Office and presented Certificates of Election to newly elected City Council Members Adam Nick and Dwight Robinson.

15. **COMMENTS BY NEW CITY COUNCIL MEMBERS** submitted by City Clerk.

ACTION: The City Council received comments from new City Council Members Adam Nick and Dwight Robinson.

16. **SELECTION OF MAYOR AND MAYOR PRO TEM FOR THE ENSUING YEAR** submitted by City Clerk.

ACTION: 1. **SELECTION OF MAYOR:** The City Council opened nominations for Mayor; closed nominations for Mayor; and declared Council Member Voigts as Mayor for 2013. 2. **SELECTION OF MAYOR PRO TEM:** The City Council opened nominations for Mayor Pro Tem; closed nominations for Mayor Pro Tem; and declared Council Member McCullough Mayor Pro Tem for 2013.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Herzog offered no comments.

Council Member Nick asked for consensus to agendize a discussion item to revise the policy requiring the necessary three Council Member votes to add an item to the agenda.

CONSENSUS: Staff will add a discussion item regarding the number of Council approvals needed to add an agenda item for the December 18, 2012 Council meeting.

Council Member Robinson requested a discussion item to receive an update on the Sportspark, Trumark and Brookfield development projects, and agendize discussion of a dog park for the next Council meeting.

CONSENSUS: Staff will add a discussion item for the Sportspark update and updates on Trumark and Brookfield developments to the December 18, 2012 City Council meeting. Staff will agendize the dog park for the January 15, 2013 Council meeting.

Mayor Pro Tem Voigts offered comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:52 p.m.