

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
November 15, 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:

6:05 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)

Council Member Voigts arrived at 6:07 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 4

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)

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:35 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:02 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 Voigts.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

2. 12TH LAKE FOREST LEADERSHIP ACADEMY submitted by City Clerk. (F: 25.3)

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council approved and presented recognitions to the 12th Leadership Academy graduates. MOTION UNANIMOUSLY CARRIED.

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 members of the public offered comments: Brian Fitzpatrick, Charles Brower, Dave Carter, Michelle Clark, Crystal Denning, Jim Richert, Erin Runnion, Erin Hoskinson, Hollie Schilling, and Kelly Hagins.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 3)

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

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council approved the warrant register in the amount of \$4,289,062.59 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 4 - 17)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Tettemer, the City Council approved Consent Calendar Item Nos. * 4-10, *12-14, and *16-17. MOTION CARRIED with Mayor Pro Tem Tettemer abstained on Item No. 16.

- *4. 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.

- *5. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON NOVEMBER 1, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *6. FISCAL YEAR 2011-2012 FIRST QUARTER TRAVEL AND MEETING EXPENSES - JULY 1, 2011 - SEPTEMBER 30, 2011 submitted by City Clerk. (F: 51.2A24)

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

- *7. CITY COUNCIL MEETING CALENDAR FOR 2012 submitted by City Clerk. (F: 26.10)

ACTION: The City Council approved the City Council Meeting Calendar for 2012 to include a Budget Workshop on Tuesday, May 8, 2012.

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

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

- *9. FIRST AMENDMENT TO AGREEMENT FOR LANDSCAPE MAINTENANCE OF MEDIANS, PARKWAYS AND SLOPES submitted by Director of Public Works/City Engineer. (F: 34.2A)

ACTION: The City Council: 1. Approved the First Amendment to the agreement for Landscape Maintenance of Medians, Parkways and Slopes, with SpectrumCare Landscape. 2. Authorized the Mayor to sign, and the City Clerk attest, the First Amendment substantially in the form attached.

- *10. FIRST AMENDMENT TO CONTRACT FOR TREE SERVICES submitted by Director of Public Works/City Engineer. (F: 34.4A)

ACTION: The City Council: 1. Approved the First Amendment to the contract for Tree Services with West Coast Arborists. 2. Authorized the Mayor to sign, and the City Clerk to attest, the First Amendment substantially in the form attached.

- *12. CONTRACT AWARD FOR ON-CALL FACILITY REPAIR SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F3)

ACTION: The City Council: 1. Awarded a contract in the amount of \$51,750 to Jamey Clark, Inc., of Laguna Hills, California, to provide on-call facility repair services. 2. Upon receipt of the executed contract documents from Jamey Clark, rejected all other bids received and authorized return of the Bid Bonds. 3. Authorized the Mayor to sign, and City Clerk to attest the contract with Jamey Clark, substantially in the form attached.

- *13. FREEWAY AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE FOOTHILL EASTERN TRANSPORTATION CORRIDOR (STATE ROUTE 241) submitted by Director of Public Works/City Engineer. (F: 67.4A)

ACTION: The City Council: 1. Approved the Freeway Agreement with the State of California for the Foothill Eastern Transportation Corridor (State Route 241), substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the Freeway Agreement for

the Foothill Eastern Transportation Corridor (State Route 241).

- *14. SECOND AMENDMENT TO AGREEMENT WITH HUSHMAND ASSOCIATES, INC., FOR THE ALTON PARKWAY PROJECT submitted by Director of Public Works/City Engineer. (F: 66.12)

ACTION: The City Council: 1. Approved the Second Amendment to the agreement with Hushmand Associates, Inc., (HAI), for geotechnical services for the Alton Parkway Project from Commercentre Drive to Towne Centre Drive. 2. Authorized the Mayor to execute and the City Clerk to attest the Second Amendment to the Agreement with HAI, substantially in the form attached.

- *16. FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH TRG LAND, INC. FOR TECHNICAL ASSISTANCE FOR LAND DEVELOPMENT PROJECTS WITHIN THE OPPORTUNITIES STUDY AREA submitted by Director of Development Services. (F: 50.11)

ACTION: The City Council: 1. Approved the First Amendment to the agreement with TRG Land, Inc. substantially in the form attached. 2. Authorized the Mayor to sign the First Amendment with TRG Land Inc. MOTION CARRIED with Mayor Pro Tem Tettemer abstained.

- *17. CONTRACT AWARD FOR CLEARING AND GRUBBING OF LAKE FOREST SPORTS PARK PROPERTY submitted by Director of Public Works/City Engineer. (F: 50.11E)

ACTION: The City Council: 1. Waived the minor bid irregularity of a substitute reference check form and award a contract in the amount of \$1,978,990.30 to Crew, Inc., of Rancho Dominguez, California, for Clearing and Grubbing of the Lake Forest Sports Park Property - Project PW 2009.01. 2. Upon receipt of the contract documents from Crew, Inc., authorized return of the Bid Bond. 3. Authorized the Mayor to sign, and the City Clerk to attest, the contract with Crew, Inc., substantially in the form attached.

PULLED CONSENT CALENDAR ITEMS:

- 11. NOTICE OF COMPLETION FOR THE CONCOURSE PARK, MOUNTAIN VIEW PARK AND SHADE STRUCTURE IMPROVEMENT PROJECT submitted by Director of Public Works/City Engineer. (F: 46.4A PW 2009.12)

Council Member Voigts pulled this item for separate consideration.

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council: 1. Found that Hondo Company, of Santa Ana, California, has completed construction on the Concourse Park, Mountain View Park and Shade Structure Improvement Project (PW 2009.12). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion with the County Clerk-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 \$142,495.83, 30 days after the recording of the Notice of Completion, provided no Stop Notice are on file with the City preventing release of the retention payment. **MOTION UNANIMOUSLY CARRIED.**

15. **CONTRACT CHANGE ORDER NO. 5 FOR ALTON PARKWAY PROJECT (PW 2009.02)** submitted by Director of Public Works/City Engineer. (F: 66.12 PW 2009.02)

Charles Brower, Lake Forest resident, pulled this item for separate consideration.

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council authorized the City Manager to approve Contract Change Order No. 5 with Sukut Construction for the Alton Parkway Project. **MOTION UNANIMOUSLY CARRIED.**

DISCUSSION/ACTION ITEMS:

18. **DISCUSSION REGARDING FLAG DROP-BOX LOCATION AT CITY HALL** submitted by City Clerk. (F: 17.5)

Staff report dated November 11, 2011 was introduced.

Steven Agor representing Cub Scout Pack 765, requested the opportunity for the Cub Scouts to work with staff in creating a United States Flag drop-box within City Hall.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved City Staff to coordinate with Cub Scout Pack 765 in creating a Flag drop-box within

City Hall. MOTION UNANIMOUSLY CARRIED.

19. 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 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 Tettermer offered no comments.

Mayor Herzog offered no comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 8:03 p.m.