

MINUTES OF A REGULAR MEETING
OF THE LAKE FOREST CITY COUNCIL

The regular meeting of the Lake Forest City Council held June 18, 2013 at the Lake Forest Council Chamber 25550 Commercentre Drive Lake Forest, California 92630 was called to order at 5:30 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 5:30 p.m. for the purpose of conducting Closed Session Business.

CLOSED SESSION

Closed Session was called to order at 5:30 p.m. with Mayor Voigts absent. Council Member Nick and City Attorney Smith recused themselves from Closed Session for the discussion of Agenda Item No. 2 and left the Closed Session room at 5:31 p.m. Mayor Voigts joined the Closed Session at 5:50 p.m. Council Member Nick and City Attorney Smith returned to the Closed Session at 5:51 p.m.

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Attorney

2. 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

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APNs 606-341-01, 606-341-03, 606-341-04, 606-341-05, 606-341-06,
606-341-07, 606-351-01, 606-161-28, 606-161-30, 606-161-31, 606-321-01,
606-321-02, 606-321-03, 606-321-04, 606-321-05, 606-321-07, 606-321-08,
606-321-09, 606-331-01, 606-331-02, 606-331-03, 606-332-01, 606-351-03

Agency negotiators: City Manager and City Attorney
Negotiating parties: Sun Ranch Capital Partners, LLC and USA Portola Properties, LLC
Under Negotiation: Price and Terms of Payment for Dedication/
Acquisition under Implementing Agreement

4. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor
Unrepresented employee: City Manager

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:04 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:08 p.m., with all Members present to continue regular City and Lake Forest Housing Authority business.

PUBLIC SESSION

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of our Country was led by Council Member Robinson.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

5. NEW EMPLOYEE INTRODUCTION FOR JONATHAN POOLE, ENGINEERING TECHNICIAN/PUBLIC WORKS submitted by Director of Public Works/City Engineer.

MOTION: On motion by Mayor Voigts and second by Council Member Herzog, the City Council received the introduction of Jonathan Poole as the Engineering Technician in the Public Works Department. MOTION UNANIMOUSLY CARRIED.

RECESS: City Council recessed at 7:12 p.m. from regular City business for the purpose of conducting regular Lake Forest Housing Authority business.

RECONVENE: City Council reconvened at 7:14 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS:

The following members of the public offered comments:

Marcia Rudolph, Lake Forest resident, spoke regarding first responders. She reminded the community of Motor Officers Brad Riches and Steve Parsons who lost their lives in the line of duty; Brad Riches 14 years ago, Steve Parsons 12 years ago.

David Carter, Lake Forest resident, spoke regarding the Boys and Girls Club. He introduced Pam Estes, Executive Director of the Laguna Beach Boys and Girls Club. He provided a status report on the formation of a Lake Forest Boys and Girls Club and recent programs held at Olivewood Elementary School.

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

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

MOTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council approved the warrant register in the amount of \$940,775.96 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7- 16)

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Herzog, the City Council approved the Consent Calendar Item Nos. *6-11, and *14-16. MOTION CARRIED with Council Member Nick abstained on Consent Calendar Item No. 16.

- *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 JOINT WORKSHOP MEETING OF THE CITY COUNCIL AND LAKE FOREST HOUSING AUTHORITY HELD ON MAY 14, 2013, AND THE MINUTES OF THE REGULAR MEETING OF THE LAKE FOREST CITY COUNCIL HELD MAY 21, 2013 submitted by City Clerk.

ACTION: The City Council approved both the Joint Workshop Minutes and the Regular Meeting Minutes as submitted.

- *9. ARTICLE XIII B APPROPRIATIONS LIMIT submitted by Director of Finance/City Treasurer.

ACTION: The City Council adopted Resolution No. 2013-10 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2013-14 IN THE AMOUNT OF \$96,127,792.

- *10. MONTHLY TREASURER'S REPORT - MAY submitted by Director of Finance/City Treasurer.

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

- *11. INDEPENDENCE DAY PARADE ROAD CLOSURES AND RELATED ACTIVITIES - JULY 4, 2013 submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the road closures of race and parade route from 5:00 A.M. – 1:00 P.M. on July 4, 2013. 2. Directed Public Works to provide required traffic control devices and crews for road closures. 3. Directed Police Services to staff road closures and patrol events. 4. Approved street sweeping of route before race and after parade.

- *14. CONSTRUCTION CONTRACT AWARD FOR SLURRY SEAL PROJECT (PW 2011.01B) submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Awarded a construction contract in the amount of \$745,421 to Roy Allen Slurry Seal, Inc., for construction of the Slurry Seal Project on Various Streets (PW 2011.01B) project. 2. Rejected all other bids received and authorized return of the bid bonds upon receipt of the fully executed contract documents from Roy Allen Slurry Seal, Inc. 3. Authorized the Mayor to sign, and the City Clerk to attest, the contract with Roy Allen Slurry Seal, Inc. 4. Authorized the City Manager to approve contract change orders up to a maximum of ten (10%) of the contract amount.

- *15. NOTICE OF COMPLETION FOR THE ADA ACCESS RAMP IMPROVEMENTS-PHASE V submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Found that Rakan, Inc., of Tustin, California, completed construction of the ADA Access Ramp Improvements-Phase V (PW 2010.01). 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 the City Council approval as required by Section 2093 of the California Civil Code. 4. Authorized release of the five percent retention payment to the contractor in the amount of \$9,875.45, thirty days after the recording of the Notice of Completion provided no Stop Notices are on file with the City preventing release of the retention payment.

- *16. CONSTRUCTION CONTRACT AWARD FOR STREET RESURFACING PROJECT (PW 2011.01A) submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Awarded a construction contract to All American Asphalt for construction of the Street Resurfacing Project on Various Streets (Rockfield Blvd and Lake Forest Drive). (PW 2011.01A). 2. Upon receipt of the executed contract documents from All American Asphalt, rejected all other bids and authorized return of the bid bonds. 3. Authorized the Mayor to sign and the City Clerk to attest, the contract with All American Asphalt. 4. Authorized the City Manager to approve contract change orders up to a maximum of ten (10%) percent of the contract amount. MOTION CARRIED with Council Member Nick abstained.

PULLED CONSENT CALENDAR ITEMS:

12. AWARD OF INFORMATION TECHNOLOGY SUPPORT SERVICES CONTRACT submitted by Deputy City Manager/Director of Management Services.

A member of the public pulled this item for separate consideration.

City Manager Dunek introduced the report dated June 18, 2013.

The following members of the public offered comments:

Mr. Tim Britt, Synoptek's Chief Executive Officer requested the allowance of one speaker on behalf of their company for additional speaker minutes. Mr. Britt provided background of the company. He stated he is opposed to the recommended action and remarked that the scope of his proposal was significantly different than the scope of the competitor.

Mr. Eric Cordoniz, Synoptek's Chief Technology Officer underlined that staff rated Synoptek above SIGMANet. He stated Synoptek provides more hours and services than SIGMANet offered in their proposal which included a project manager on-site. Removing the additional hours attributed to the on-site manager would make Synoptek cost less than the competitor. He stated Synoptek has a high customer satisfaction rating. Mr. Cordoniz summarized, Synotek has automated processes necessary to deliver more services than requested in the RFP. He pointed out that they serve large private sector companies as well as city governments. He recommended the comparison should be equal when addressing the project management hours. He suggested he would also want to revise the price on project management. Lastly, he asked the City to reissue the RFP to qualified competitors.

Mr. Paul Edge, Vice President of Professional Services and Engineering of SIGMANet, was afforded equal speaking time as Synoptek. He provided the history of his company, stating the business is debt free with 100% self-capitalization providing for competitive pricing. He noted SIGMANet has a similar business model as Synoptek. He stated his business accounts include Dream Works, Avery Dennison, and the Cities of Corona, San

Diego, Hesperia and Rancho Santa Margarita.

Mr. Edge referenced the due diligence process followed by SIGMAnet. He stated SIGMAnet's pricing was in line with the proposal set forth. He stated the city asked for an IT services proposal not a staffing hours model. SIGMAnet provided a cost model of \$24,650 which over the course of the due diligence and three meetings with the city had not changed. He stated their goal was to always have tech support on site. SIGMAnet would leverage the city's processes and transition its applications forward with technology, for example using cloud service to replace the current IT storage system.

Council Member Robinson asked how does the project management aspect fit into the RFP, is it project specific.

Deputy City Manager Rose responded project management is one aspect of the contract. When the city went out for the RFP, the scope was designed to support the city's baseline IT program. She noted there is minimal project management. However, any scopes for projects within the contract are 16 hours or under; anything over 16 hours is extra. She suggested the city's goal is the upgrade of Energov. There is a separate line item for Energov project management in the Management Services Department Budget.

Council Member Robinson noting there were multiple meetings asked was it clear that anything over 16 hours was separate?

Deputy City Manager Rose stated it was in the scope.

Council Member Robinson commented with the new sports park and the recreation center opening, there is the likelihood that staff will move. Is this included in the scope of work or would that be a separate project?

Deputy City Manager Rose reported within the contract the city specified the city can grow up to 20 percent before the contract is open to negotiations.

Council Member Herzog asked if the 16 hour point was in the prior contract with Synoptek. He continued asking if the prior contract included any projects that were over 16 hours, and looking to the future, would any projects over 16 hours be open to bids. He asked if new projects come up, would they be viewed separately and open to bids.

Deputy City Manager Rose stated the 16 hours was not in the prior contract. Looking forward, she suggested the major project will be Energov (electronic permitting system) and the city has budgeted for a full-time project manager for 6 months. She noted with new projects, they would be viewed as a separate project open to bids.

Council discussion continued.

Council Member Nick recommended continuing the item for two weeks for more to obtain additional clarifying information.

Mayor Voigts questioned the level of satisfaction the city has with its current IT provider.

Deputy City Manager Rose stated the proposal is based on their estimated staff hours they needed to meet in the SLA. There is an evaluation of the technical proposals, and the next step is to evaluate the cost proposals. SIGMAnet is reasonable according to our due diligence. She stated staff is convinced they meet the SLA based on the allocation they described in their proposal.

Mayor Pro Tem McCullough moved to continue the item to the next meeting. Council Member Nick seconded the motion.

Council Member Herzog pointed out both companies stated staff was diligent in their due process. The city cannot accept additional or changed models. He noted both Synoptek and SIGMAnet had three follow ups. He also stated the reference check form needs to be consistent.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Nick, the City Council continued the item until the July 2, 2013 City Council meeting.
MOTION UNANIMOUSLY CARRIED.

13. AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES submitted by Chief of Police Services.

A member of the public pulled this item for separate consideration.

Staff report dated June 18, 2013 was introduced.

The following members of the public offered comments:

Mr. Jim Gardner, Lake Forest resident, commented the agreement with the County does not appear to be competitive. He suggested contracting with the City of Irvine to provide services to Lake Forest. He mentioned there were no key performance indicators.

Don Barnes, Assistant Sheriff for Orange County, commented that for twenty-two years the Orange County Sheriff has been the law enforcement service provider to Lake Forest. He stated crimes are at their lowest point, and within the City's bi-annual public survey, 96 percent of the residents state they are satisfied with the law enforcement service.

MOTION: On motion by Council Member Herzog and second by Council Member Robinson, the City Council approved and authorized the Mayor to sign the agreement with the County of Orange for Law Enforcement Services for Fiscal Year 2013-14.
MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

17. ZONING CODE AMENDMENT 8-12-2805A, AN ORDINANCE AMENDING TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE REGARDING EMERGENCY SHELTERS AND TRANSITIONAL AND SUPPORTIVE HOUSING submitted by Director of Development Services.

Staff report dated June 18, 2013 was introduced.

Mayor Voigts opened the Public Hearing for public comment.

There was no public comment.

Mayor Voigts closed the public portion of the Public Hearing.

Mayor Pro Tem McCullough asked if there is a distance limit between shelters. She questioned if the city neglected to address permanent housing in this Ordinance.

Staff reported legislation has set the limit of no more than one shelter per the radius of 300 feet from another shelter. The law does not allow cities to go beyond the spacing requirements.

City Manager Dunek stated Senate Bill 2 is not designed to address permanent housing. The only requirements of SB 2 are confined to the emergency shelters and transitional and support housing.

ACTION: On motion by Mayor Voigts and second by Council Member Robinson, the City Council introduced for first reading Ordinance No. 252 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING LAKE FOREST MUNICIPAL CODE SECTIONS 9.04.030(D), AND 9.146.120 RELATING TO EMERGENCY SHELTERS AND TRANSITIONAL AND SUPPORTIVE HOUSING. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

18. LAKE FOREST BUDGET ADOPTION
 - A. ADOPTION OF FISCAL YEAR 2013-14 OPERATING BUDGET submitted by Director of Finance/City Treasurer.

City Manager Dunek introduced the staff report dated June 18, 2013.

Finance Director Neves provided a brief overview of the report.

City Manager Dunek stated the Measure M 7-Year Capital program is included in this

report, with the 5-Year Plan to be provided at the next City Council meeting. He stated in compliance with Measure M, the city annually certifies it is consistent with the master plan of arterial highways in the County of Orange and that a program is in place that expends the money allocated to the city for the improvements of streets and roads.

Council Member Robinson moved staff's recommendation. Mayor Pro Tem McCullough seconded the motion.

Council Member Herzog noted the budget compliments the management of the city. He stated as an example the city completed the redesign of El Toro Road during the economic decline of the 1990s. The city has continued to adjust its forecasting as a result of the residential surveys and is able to be responsive when many other cities had severe funding cuts.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council adopted Resolution No. 2013-11 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING THE OPERATING BUDGET FOR FISCAL YEAR 2013-14. 2. Adopted Resolution No. 2013-12 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2012-13. MOTION UNANIMOUSLY CARRIED.

B. ADOPTION OF THE CAPITAL IMPROVEMENT PROJECTS BUDGET 2013-15 submitted by Director of Finance/City Treasurer.

Staff report dated June 18, 2013 was introduced.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council adopted Resolution No. 2013-13 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING THE CAPITAL IMPROVEMENT PROJECTS BUDGET 2013-15. MOTION UNANIMOUSLY CARRIED.

C. MEASURE M SEVEN-YEAR CAPITAL IMPROVEMENTS PROGRAM submitted by Director of Public Works/City Engineer.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council: 1. Approved the Measure M Seven-Year Capital Improvements Program for Fiscal Years 2013-14 through 2019-20. 2. Adopted Resolution No. 2013-14 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT AND MITIGATION FEE PROGRAM. 3. Authorized the Director of Public Works to forward the approved Measure M Seven-Year Capital Improvement Program to the Orange County Transportation Authority. MOTION UNANIMOUSLY CARRIED.

19. CONSIDERATION OF PROVIDING REFRESHMENTS FOR THE PUBLIC AT PLANNING COMMISSION AND PARKS AND RECREATION COMMISSION MEETINGS submitted by City Clerk.

Staff report dated June 18, 2013 was introduced.

The following members of the public offered comments:

Marcia Rudolph, resident of Lake Forest, supported providing refreshments at all Commission meetings.

Jim Gardner, resident of Lake Forest, supported providing refreshments to all Commission meetings.

MOTION: On motion by Council Member McCullough and second by Council Member Nick, the City Council approved the policy to provide refreshments to all Commission meetings. MOTION UNANIMOUSLY CARRIED.

20. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager.

City Manager Dunek introduced the staff report dated June 18, 2013.

Mayor Pro Tem McCullough commented on the League of California Cities Policy Committee meeting. She noted the prevailing wage inclusion in Senate Bill 7 and asked staff to send a letter of opposition.

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

21. 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:

Council Member Herzog offered no comments.

Council Member Nick thanked staff and the public for their support.

Council Member Robinson offered no comments.

Mayor Pro Tem McCullough in compliance with AB 1234, reported attending the League of Policy Committee meetings, Southern California Association of Governments meeting, and the retirement party for El Toro High School Track and Field Coach Rick Hagin. She noted Father's Day and Flag Day were both coming up.

Mayor Voigts reported attending the retirement party for El Toro High School Track and Field Coach Rick Hagin, the Closing Ceremonies for the Lake Forest Little League, and the Eagle Scout Court honoring three new Eagle Scouts.


CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 9:13 p.m.

Respectfully submitted:


STEPHANIE D. SMITH, CMC
CITY CLERK

APPROVED:


SCOTT VOIGTS
MAYOR