

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
August 21, 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:

5:35 p.m.

ROLL CALL: Council Members:

Peter Herzog
Marcia Rudolph
Mark Tetteimer

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 (F: 0410-30)

Mayor Pro Tem Voigts entered Closed Session at 6:15 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation
Pursuant to subdivision (b) Government Code Section 54956.9(b)
Number of potential cases: 1
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APNs: 612-161-11, 612-161-12
Agency negotiators: City Manager and City Attorney
Negotiating parties: Brookfield Homes, LLC
Under Negotiation: Price and Terms of Payment

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:00 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 Mayor McCullough.

CLOSED SESSION REPORT: (F: 0410-30)

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

There were no items scheduled for Presentation.

PUBLIC COMMENTS: (F: 0410-35)

The following members of the public offered comments: Bob Holtzclaw, David Ross, and Sarah deCresenzo.

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

3. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 0300-30)

Council Member Tetterer 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.

ACTION: On motion by Council Member Rudolph and second by Council Member Tetterer, the City Council approved the warrant register in the amount of \$3,788,383.13 as submitted. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 4 - 14)

ACTION: On motion by Council Member Rudolph and second by Council Member Voigts, the City Council approved Consent Calendar Item Nos. *4-6, *9-12, and *14 as submitted. MOTION UNANIMOUSLY CARRIED.

- *4. 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.

- *5. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 17, 2012 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *6. MONTHLY TREASURER'S REPORT - JULY submitted by Director of Finance/City Treasurer. (F: 0320-70)

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

- *9. AMENDMENT OF PERSONNEL RULES AND REGULATIONS submitted by Deputy City Manager/Director of Management Services. (F: 0500-90)

ACTION: The City Council adopted Resolution No. 2012-53 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE AMENDMENT OF THE PERSONNEL RULES AND REGULATIONS.

- *10. CONSTRUCTION CONTRACT AWARD FOR GRADING AND DRAINAGE OF THE LAKE FOREST SPORTS PARK PROPERTY submitted by Director of Public Works/City Engineer. (F: 0400-10)

ACTION: The City Council: 1. Awarded a construction contract in the amount of \$4,917,100 to Road Builders, Inc., for construction of the Grading and Drainage of the Lake Forest Sports Park property (PW 2009.01). 2. Waived the bid irregularity for bid item # 1 by Road Builders, Inc. 3. Upon receipt of the executed contract documents from

Road Builders, Inc., rejected all other bids and authorized return of the bid bonds. 4. Authorized the Mayor to sign, and the City Clerk to attest, the contract with Road Builders, Inc. 5. Authorized the City Manager to approve contract change orders up to a maximum ten percent of the contract amount.

- *11. NOTICE OF COMPLETION: CLEARING AND GRUBBING OF THE LAKE FOREST SPORTS PARK PROPERTY submitted by Director of Public Works/City Engineer. (F: 0400-10) (X: 0730-30)

ACTION: The City Council: 1. Found that Crew Incorporated, of Rancho Dominguez, California, completed construction on the Clearing and Grubbing of the Lake Forest Sports Park Property Project PW 2009.01. 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 City Council approval, as required by Section 3093 of the California Civil Code. 4. Authorized release of the ten percent retention payment to the contractor in the amount of \$189,353.94, thirty (30) days after the recording of the Notice of Completion, provided no Stop Notices were on file with the City preventing release of the retention payment.

- *12. PURCHASE OF PUBLIC WORKS MAINTENANCE TRUCK submitted by Director of Public Works/City Engineer. (F: 0380-60)

ACTION: The City Council: 1. Adopted Resolution No. 2012-54 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2012-13. 2. Authorized staff to purchase a new truck for the Public Works Department in accordance with the city's vehicle replacement policy.

- *14. LEASE AGREEMENT FOR CITY HALL MULTI-FUNCTION COPIER, SCANNER, FAX AND PRINTER DEVICES submitted by Deputy City Manager/Director of Management Services. (F: 0400-50)

ACTION: The City Council: Approved and authorized the City Manager to execute a Lease Agreement with Xerox for four multi-function copier, scanner, fax and printer devices.

PULLED CONSENT CALENDAR ITEMS:

7. ANNUAL REVIEW OF THE INVESTMENT POLICY submitted by Director of Finance/City Treasurer. (F: 0350-56)

Council Member Rudolph pulled this item for separate consideration.

Council Member Rudolph addressed portions of the investment policy and offered comments.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council approved the attached Investment Policy. MOTION UNANIMOUSLY CARRIED.

8. FISCAL YEAR 2011-2012 FOURTH QUARTER TRAVEL AND MEETING EXPENSES - APRIL 1, 2012 - JUNE 30, 2012 submitted by City Clerk. (F: 0360-40)

Council Member Tette mer pulled this item for separate consideration.

Council Member Tette mer remarked on the travel expense report.

ACTION: On motion by Council Member Tette mer and second by Council Member Rudolph, the City Council received and filed the report as submitted. MOTION UNANIMOUSLY CARRIED.

13. AWARD OF PROFESSIONAL CONSULTING SERVICES CONTRACT FOR SOLID WASTE AND RECYCLING PROFESSIONAL SERVICES submitted by Director of Public Works/City Engineer. (F: 0400-10)

Mayor Pro Tem Voigts pulled this item for separate consideration.

Mayor Pro Tem Voigts inquired to the start date of the contract and if there were consulting fees.

Staff reported the schedule assists the consultant to prepare a Request for Proposal, and the contract provides for on-call service after the selection of the franchise contract.

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council: 1. Awarded a contract, in the amount of \$160,740 to EcoNomics to prepare a solid waste and recycling services Request for Proposal for a new franchise agreement, and for implementation and monitoring of the new franchise agreement. 2. Authorized the Mayor to sign, and the City Clerk to attest, the

Agreement with EcoNomics, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

15. APPROPRIATION OF CITIZENS OPTIONS FOR PUBLIC SAFETY (COPS) FUNDS FOR FISCAL YEAR 2012-13. (AB 3229 BRULTE) submitted by Chief of Police Services. (F: 0390-34)

Staff report dated August 21, 2012 was introduced.

Mayor McCullough opened the Public Hearing for public comment.

Mayor McCullough closed the public portion of the Public Hearing.

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council: 1. Conducted the Public Hearing. 2. Approved the use of AB 3229 funds for the costs associated with one sergeant position. MOTION UNANIMOUSLY CARRIED.

16. VACATION OF PORTIONS OF THE PEACHWOOD STREET RIGHT-OF-WAY NORTH OF PALMWOOD DRIVE submitted by Director of Public Works/City Engineer. (F: 0820-57)

Staff report dated August 21, 2012 was introduced.

Mayor McCullough opened the Public Hearing for public comment.

Mayor McCullough closed the public portion of the Public Hearing.

ACTION: On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council adopted Resolution No. 2012-15 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ORDERING THE VACATION OF PORTIONS OF THE PUBLIC RIGHT-OF-WAY KNOWN AS PEACHWOOD STREET, INCLUDING A PORTION NORTH OF TAMARISK STREET, AND A PORTION BETWEEN PALMWOOD DRIVE AND TAMARISK STREET. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

17. AN ORDINANCE AMENDING LAKE FOREST MUNICIPAL CODE SECTION 8.30 RELATING TO THE LAKE FOREST GRADING AND EXCAVATION CODE submitted by City Attorney. (F: 0480-10)

City Attorney Smith introduced the staff report dated August 21, 2012.

ACTION: On motion by Council Member Herzog and second by Council Member Tetteimer, the City Council introduced Ordinance No. 246 for first reading entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST CALIFORNIA, AMENDING CHAPTER 8.30 OF THE LAKE FOREST MUNICIPAL CODE, RELATING TO THE LAKE FOREST GRADING AND EXCAVATION CODE. MOTION UNANIMOUSLY CARRIED.

18. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager. (F: 0480-75)

ACTION: On motion by Council Member Herzog and second by Mayor McCullough, the City Council: 1. Opposed Assembly Bill 542. 2. Received and filed the report as submitted. 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: 0410-36)

Council Member Herzog offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Voigts offered comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 7:55 p.m.