

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
November 20, 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:

7:02 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

Mayor McCullough asked for Consensus to suspend Closed Session.

CONSENSUS: The City Council suspended Closed Session to the end of the meeting.

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

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to subdivision (a) of Government Code Section 54956.9  
Case Name: City of Lake Forest v. Farino Construction Services, Inc,  
23282 Olive Avenue, LLC  
Case Number: 30-2011-00521394

## PUBLIC SESSION

### PLEDGE OF ALLEGIANCE:

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

### CLOSED SESSION REPORT:

City Attorney Smith reported Closed Session was continued to the end of the City Council meeting.

### PRESENTATIONS:

#### THIS ITEM WAS PULLED AND HEARD OUT OF ORDER:

19. MEMORANDUM OF UNDERSTANDING BY AND AMONG THE CITY OF LAKE FOREST, COUNTY OF ORANGE, AND ORANGE COUNTY SHERIFF'S DEPARTMENT submitted by City Manager. (F: 0400-10)

City Manager Dunek introduced and summarized the staff report dated November 20, 2012.

Orange County Sheriff Hutchens addressed the Musick jail expansion, future prison population projections, and safety concerns within the community.

**ACTION:** On motion by Council Member Rudolph and second by Council Member Herzog, the City Council approved the Memorandum of Understanding with the County of Orange and the Orange County Sheriff's Department. **MOTION UNANIMOUSLY CARRIED.**

4. ANNUAL REPORT FROM ORANGE COUNTY HUMAN RELATIONS COUNCIL submitted by City Clerk.

**ACTION:** Leticia Mata from Orange County Human Relations Council presented her annual report. She presented Mayor McCullough a

certificate recognizing the City of Lake Forest for its efforts to eliminate intolerance and injustice.

5. 13TH LAKE FOREST LEADERSHIP ACADEMY submitted by Deputy City Manager/Director of Management Services.

**ACTION:** On motion by Council Member Herzog and second by Council Member Tetterer, the City Council presented certificates to the 13<sup>th</sup> Lake Forest Leadership Academy graduates. **MOTION UNANIMOUSLY CARRIED.**

#### REPORT FROM STUDENT LIAISON:

Jens Personius, Student Liaison from El Toro High School, was absent. Mayor McCullough presented his report.

#### PUBLIC COMMENTS:

The public offered no comments.

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

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

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.

Mayor McCullough pulled the following warrant for separate consideration: Orange County Business Council (OCBC).

**ACTION:** On motion by Mayor Pro Tem Voigts and second by Council Member Herzog, the City Council approved the balance of the warrant register as submitted. **MOTION UNANIMOUSLY CARRIED.**

Mayor McCullough asked for assurance the warrant for OCBC was a quarterly payment.

Staff reported the warrant payable to Orange County Business Council was for the fourth quarter dues.

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Voigts, the City Council approved the warrant payable to Orange County Business Council. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 18)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Voigts, the City Council approved Consent Calendar Item Nos. \*7-15 and \*17-18 as submitted. 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 OCTOBER 16, 2012 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- \*9. CONFLICT OF INTEREST CODE - AMENDMENT submitted by City Clerk.

ACTION: The City Council adopted Resolution No. 2012-59 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974.

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

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

- \*11. CITY FINANCIAL REPORTS - QUARTER ENDED SEPTEMBER 30, 2012 submitted by Director of Finance/City Treasurer.

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

- \*12. APPROVAL OF MEASURE M2 EXPENDITURE REPORT submitted by Director of Finance/City Treasurer.

ACTION: The City Council adopted Resolution No. 2012-60 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LAKE FOREST.

- \*13. REQUEST FOR PROPOSAL FOR ARCHITECTURAL AND DESIGN SERVICES AND REQUEST FOR PROPOSAL FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE LAKE FOREST CIVIC CENTER PROJECT submitted by Deputy City Manager/Director of Management Services.

ACTION: The City Council: 1. Approved the attached Request for Proposal for Architectural and Design Services for the Lake Forest Civic Center Project. 2. Approved the attached Request for Proposal for Construction Management Services for the Lake Forest Civic Center Project. 3. Authorized staff to solicit proposals for these services.

- \*14. SECOND CONTRACT AMENDMENT WITH WEST COAST ARBORISTS FOR TREE MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer.

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

- \*15. SECOND CONTRACT AMENDMENT WITH COMMERCIAL CLEANING SYSTEMS FOR CITY HALL JANITORIAL SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the Second Contract Amendment with Commercial Cleaning Systems for City Hall Janitorial Services. 2. Authorized the Mayor to sign, and the City Clerk to attest, the second amendment substantially in the form attached.

- \*17. BID DOCUMENTS FOR THE LAKE FOREST SPORTS PARK AND RECREATION CENTER PROJECT PW 2009.01 submitted by Director

of Public Works/City Engineer.

**ACTION:** The City Council: 1. Approved the construction plans and bid documents for the Lake Forest Sports Park Project PW 2009.01. 2. Authorized staff to solicit bids for construction. 3. Adopted Resolution No. 2012-64 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REGARDING THE SOLE SOURCE PROCUREMENT OF AND INSTALLATION OF SYNTHETIC TURF THROUGH THE CMAS PURCHASING SYSTEM. 4. Authorized the City Manager to approve the State of California Multiple Awards Schedule Agreement No. 4-06-78-0031A for the purchase and installation of synthetic turf materials for use in construction of two synthetic turf soccer fields. 5. Authorized the City Manager to approve an agreement for the City's membership in The Interlocal Purchasing System and designate the Director of Public Works/City Engineer as the City's primary contact for the TIPS program for the purchase of Musco sports field lighting equipment. **MOTION UNANIMOUSLY CARRIED.**

- \*18. **REJECT ALL BIDS AND AUTHORIZE RE-BIDDING FOR THE SLURRY SEAL PROJECT (PW 2011.01B) submitted by Director of Public Works/City Engineer.**

**ACTION:** The City Council: 1. Rejected all bids received for the slurry seal project on various residential streets in Portola Hills and commercial streets in Foothill Ranch (PW 2011.01B). 2. Authorized staff to solicit new bids for this project.

**PULLED CONSENT CALENDAR ITEM:**

16. **FIRST CONTRACT AMENDMENT WITH ATHENS SERVICES FOR STREET SWEEPING SERVICES submitted by Director of Public Works/City Engineer.**

Council Member Herzog pulled this item for separate consideration. He noted discrepancies in the staff report and asked for the item to be continued to the December 18, 2012 City Council meeting. Staff will provide acutals for Council to compare with the bid and for review.

**MOTION:** On motion by Council Member Herzog and second by Council Member Tettermer, the City Council continued the item to the December 18, 2012 City Council meeting. **MOTION UNANIMOUSLY CARRIED.**

**DISCUSSION/ACTION ITEMS:**

20. 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 comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Voigts offered comments.

Mayor McCullough offered comments.

CONTINUED CLOSED SESSION:

RECESS: City Council recessed at 8:10 p.m. from regular City business for the purpose of conducting continued Closed Session.

RECONVENE: The City Council reconvened at 10:01 p.m., with all Members present to continue regular City business.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action taken during Closed Session.

ADJOURNMENT: 10:01 p.m.