

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
August 18, 2009

Lake Forest City Hall
25550 Commercentre Drive
City Council Chamber
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:

Richard T. Dixon
Kathryn McCullough
Marcia Rudolph

Mayor Pro Tem:

Peter Herzog

Mayor:

Mark Tetterer

City Manager:

Robert C. Dunek

Assistant City Attorney:

Matthew Richardson

Acting City Clerk:

Debra Rose

RECESS: City Council recessed at 6:05 p.m. for the purpose of conducting Closed Session business.

1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Negotiator: City Manager
Agency Designated Representatives: Mayor
Unrepresented Employee: All City Employees
2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957
Agency Designated Representatives: Mayor

Unrepresented Employee: City Manager

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APN 612-164-01 and 02, Lake Forest, CA
Agency negotiators: City Manager and City Attorney
Negotiating parties: Foothill Ranch Properties LLC
Under Negotiation: Price and Terms of Payment
4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APNs:
Agency negotiators: City Manager and City Attorney
Negotiating parties: Property Owner of Record
Under Negotiation: Price and Terms of Payment
5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APN: 612-022-10
Agency negotiators: City Manager and City Attorney
Negotiating parties: Property Owner of Record
Under Negotiation: Price and Terms of Payment
6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION Pursuant to Government Code Section 54956.9(c)
Initiation of Litigation
Number of potential cases: 10
7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APNs:
Agency negotiators: City Manager and City Attorney
Negotiating parties: Property Owner of Record
Under Negotiation: Price and Terms of Payment

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:09 p.m. from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:15 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:09 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Mayor Pro Tem Herzog.

CLOSED SESSION REPORT: (F: 16.3)

Assistant City Attorney Richardson stated there were no reportable actions from Closed Session.

PRESENTATIONS:

8. INTRODUCTION OF NEW EMPLOYEE - BRIAN WHITLEY
submitted by Chief of Police Services. (F: 48.8G)

ACTION: The City Council received the introduction of Brian Whitely, the new PRYDE Diversion Specialist.

9. ABC GRANT PRESENTATION submitted by Chief of Police Services.
(F: 32.28)

ACTION: The ABC Grant Presentation was postponed to the October 20, 2009 City Council meeting.

RECESS: City Council recessed at 7:18 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:29 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following member of the public offered comments: Mr. Jonathan Scott.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 10)

10. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,059,455.83. (F: 30.11)

Council Member Rudolph pulled the following items for separate consideration: AAA Flag and Banner Manufacturing Company, Bonanza Steam Cleaning Inc, and Spectrum Care.

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

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council approved the warrants payable to AAA Flag and Banner Manufacturing Company, Bonanza Steam Cleaning Inc., and Spectrum Care. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11-18)

11. MOTION TO APPROVE 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 submitted by Acting City Clerk.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council waived reading of Ordinances and Resolutions. **MOTION UNANIMOUSLY CARRIED.**

12. MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL HELD MAY 12, 2009 submitted by Acting City Clerk.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council approved the Minutes of the regular City Council meeting held on May 12, 2009, as submitted. **MOTION UNANIMOUSLY CARRIED.**

13. MONTHLY TREASURER'S REPORT submitted by Director of Finance/City Treasurer. (F: 30.12)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council received and filed the report as submitted. **MOTION UNANIMOUSLY CARRIED.**

14. **FINANCIAL REPORTING AWARD** submitted by Director of Finance/City Treasurer. (F: 30.3) (X: 48.8E)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council received and filed the report as submitted. **MOTION UNANIMOUSLY CARRIED.**

15. **REIMBURSEMENT AGREEMENTS WITH THE IRVINE RANCH WATER DISTRICT FOR PAVEMENT REHABILITATION PROJECTS -** (PW 2007.17C), (PW 2007.17D.1), (PW 2007.17D.2), (PW 2007.17F) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17C) (F: 64.4A PW 2007.17D.1) (F: 64.4A PW 2007.17D.2) (F: 64.4A PW 2007.17F)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved a reimbursement agreement between the City of Lake Forest and the Irvine Ranch Water District (IRWD) for work conducted by the City on IRWD facilities as part of project PW 2007.17C. 2. Approved a reimbursement agreement between the City of Lake Forest and IRWD for work conducted by the City on IRWD facilities as part of project PW 2007.17D.1. 3. Approved a reimbursement agreement between the City of Lake Forest and IRWD for work conducted by the City on IRWD facilities as part of project PW 2007.17D.2. 4. Approved a reimbursement agreement between the City of Lake Forest and IRWD for work conducted by the City on IRWD facilities as part of project PW 2007.17F. 5. Authorized the Mayor Pro Tem to sign, and the City Clerk to attest, the reimbursement agreements with IRWD, substantially in the forms attached. **MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING.**

16. **APPROVAL OF PLANS AND SPECIFICATIONS FOR TRABUCO ROAD RESURFACING PROJECT** (PW 2007.17D.2) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17D.2)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council

Member Dixon, the City Council: 1. Approved the plans and specifications for Trabuco Road Resurfacing Project (PW 2007.17D.2). 2. Authorized staff to solicit bids for this project. MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING.

17. APPROVAL OF PLANS AND SPECIFICATIONS FOR SLURRY SEAL OF VARIOUS CITY STREETS (PW 2007.17E) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17E)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the plans and specifications for Slurry Seal of Various City Streets (PW 2007.17E). 2. Authorized staff to solicit bids for this project. MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING.

18. REJECTION OF BIDS AND AUTHORIZATION TO RE-BID TRAFFIC SIGNAL PREEMPTION (PW 2007.19) submitted by Director of Public Works/City Engineer. (F: 66.8A PW 2007.19)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Rejected all bids. 2. Authorized staff to return all bid bonds. 3. Approved changed project documents. 4. Authorized staff to proceed with solicitation of new bids for the Traffic Signal Preemption Project. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

19. ANNUAL REVIEW OF DEVELOPMENT AGREEMENTS submitted by City Attorney. (F: 50.11B6) (F: 50.11B5) (F: 50.11B7)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council: 1. Conducted the annual review of development agreements between the City and the following parties: (1) USA Portola Properties LLC ("Portola"), (2) Madison Investors, LP and the Heers Family Trust ("Madison"), and (3) Elmer H. Whisler 1994 Trust ("Whisler"). 2. Found that Madison, Whisler, and Portola are each in good faith compliance with their respective development agreements. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member Dixon and second by Council

Member Rudolph, the City Council conducted the annual review of development agreement between the City and Irvine Ranch Water District (“IRWD”). MOTION CARRIED WITH MAYOR TETTEMER ABSENT (ABSTAINING).

DISCUSSION/ACTION ITEMS:

20. CONSENSUS PLAN – EXPANSION PROJECT FOR THE ETNIES SKATEPARK OF LAKE FOREST submitted by Director of Community Services. (F: 46.9A PW 2007.25)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the Consensus Plan for the Expansion Project for the Etnies Skatepark of Lake Forest. 2. Authorized staff to direct the architect to develop construction plans and bid specifications. MOTION UNANIMOUSLY CARRIED.

21. SPORTS PARK MASTER PLAN submitted by Director of Community Services. (F: 50.11E)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council reviewed and approved the amended proposed Consensus Master Plan for the Sports Park and Recreation Center. MOTION UNANIMOUSLY CARRIED.

22. LIGHT INDUSTRIAL PLAN

- A. STATUS UPDATE ON IMPLEMENTATION OF THE LIGHT INDUSTRIAL AREA REVITALIZATION ACTION PLAN submitted by Assistant City Manager. (F: 50.7A2)

The following member of the public offered comments: Sue Waltman.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council received the update on implementation of the Revitalization Action Plan for the Light Industrial Area and provided direction as appropriate. MOTION UNANIMOUSLY CARRIED.

B. CONCEPT PLAN FOR THE LIGHT INDUSTRIAL AREA STREET IMPROVEMENT PROJECT submitted by Director of Public Works/City Engineer. (F: 50.7A2)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council authorized staff to proceed with the design phase for final plans, specifications, and cost estimates for the Light Industrial Area street improvements consistent with the recommendations outlined in this report. MOTION UNANIMOUSLY CARRIED.

23. LAKE FOREST TRAFFIC MITIGATION BASELINE submitted by City Attorney. (F: 50.11C)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council: Introduced for first reading Ordinance No. 206 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 7.19.030(C) OF THE LAKE FOREST MUNICIPAL CODE RELATING TO THE LAKE FOREST TRAFFIC MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD. MOTION UNANIMOUSLY CARRIED.

24. LEGISLATIVE AND REGULATORY MATTERS submitted by Assistant to the City Manager. (F: 72.2B)

ACTION: The City Council received and filed report with minute action to adopt positions on various legislative proposals as recommended.

25. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by Acting City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek offered no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon offered comments.

Council Member McCullough offered no comments.

Council Member Rudolph offered comments.

Mayor Pro Tem Herzog offered no comments.

Mayor Tetteimer offered comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 9:15 p.m.