

**PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL**

Regular Meeting of the City Council
December 16, 2008

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.
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CALL TO ORDER: 6:10 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
City Attorney:	Scott C. Smith
City Clerk:	Sherry A.F. Wentz

RECESS: City Council recessed at 6:10 p.m. for the purpose for conducting Closed Session business.

CLOSED SESSION: (F: 16.3) 6:10 p.m.

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to Government Code Section 54956.8. (Four (4) properties: A-D)

City Negotiators:	City Manager and City Attorney
Property Negotiators:	Property Owners of Record
Under Negotiation:	Price, Terms of Payment

A. Property: 18 acre portion of Tentative Tract 15944 consisting of Lots 14, 15, 16, 21, and 22 along with the westerly 118'±

of Lot 20 and the westerly portion of Lot 17 described by a line extending from the common front corner between Lots 16 & 17 "M" Street to a point on the northeasterly line of Lot 20, 118'± from the north center, Lake Forest, CA

B. Property: 20 acres located on APN 104-143-25 and 104-143-27, located at Rocky Road, west of Portola Parkway, south of Foothill Transportation Corridor, Lake Forest, CA

C. Property: APN 613-571-06 and 07, Lake Forest, CA

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:50 p.m. from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:04 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:04 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Mayor Tettermer led the pledge of Allegiance to the Flag of our Country.

CLOSED SESSION REPORT: (F: 16.3)

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

PRESENTATIONS:

1. REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS submitted by City Clerk.
 - A. EMPLOYEES SERVICE AWARDS (F: 55.5)
 - B. CERTIFICATE OF RECOGNITION FOR BONEHEADS RECEIVING AWARD OF “BEST NEW RESTAURANT 2008” (F: 55.5)
 - C. CERTIFICATE OF RECOGNITION FOR BLACK & DECKER HHI FOR RECENT AWARD FOR “TOP PLACES TO WORK 2008” (F: 55.5)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council: 1. Approved requests as submitted. 2. Made presentations to those present. MOTION UNANIMOUSLY CARRIED.

CITY COUNCIL CEREMONIAL ITEMS

2. RESOLUTION COMMENDING MAYOR submitted by City Clerk. (F: 26.1)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council approved Resolution No. 2008-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, COMMENDING COUNCIL MEMBER MARK TETTEMER ON HIS TERM AS MAYOR. MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING.

3. COMMENTS BY OUTGOING MAYOR submitted by City Clerk. (F: 26.1)

ACTION: The City Council received comments by out-going Mayor Mark Tettemer.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Christopher Berardino, Student Liaison from El Toro High School, presented his report.

RECESS: City Council recessed at 7:19 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:27 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The public offered no comments.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 4)

4. **WARRANT REGISTER** submitted by Director of Finance/City Treasurer in the amount of \$1,210,187.55. (F: 30.11)

Council Member Rudolph pulled the following warrants for separate consideration: Internal Revenue Service and Sun Pac Storage Containers.

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

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrants payable for the Internal Revenue Service and Sun Pac Storage Containers. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5-15) (Items 6, 9, and 10 were pulled from the Consent Calendar for separate consideration)

5. 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.

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council waived reading of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

6. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON NOVEMBER 18, 2008, submitted by City Clerk.

ACTION: On motion by Council Member Dixon and Council Member McCullough, the City Council approved the Minutes of the regular City Council meeting held on November 18, 2008, as submitted. MOTION UNANIMOUSLY CARRIED.

7. CITY FINANCIAL REPORTS – QUARTER ENDED September 30, 2008, submitted by Director of Finance/City Treasurer. (F: 30.13)

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

8. CARRYOVER REVENUES AND APPROPRIATIONS submitted by Director of Finance/City Treasurer. (F: 30.9)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Adopted Resolution No. 2008-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2008-2009 AND THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2007-2009. 2. Approved

carryovers of \$2,067,399 in revenues. MOTION UNANIMOUSLY CARRIED.

9. CONSENSUS PLAN – EL TORO PARK RENOVATION submitted by Director of Community Services. (F: 34.3B 2007.22B)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Approved Consensus Plan for El Toro Park Renovation. 2. Authorized staff to direct the architect to develop plans and specifications. MOTION CARRIED WITH COUNCIL MEMBER RUDOLPH ABSENT (ABSTAINING).

10. REQUEST FOR PROPOSAL FOR SPORTS PARK AND COMMUNITY CENTER MASTER PLAN SERVICES submitted by Director of Community Services.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough the City Council: 1. Approved the attached Request for Proposal for professional services for Sports Park and Community Center Master Plan Services. 2. Authorized staff to solicit proposals. MOTION UNANIMOUSLY CARRIED.

11. BID DOCUMENTS FOR GRAFFITI REMOVAL AND STEAM CLEANING SERVICES submitted by Director of Public Works/City Engineer. (F: 34.5)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the bid documents for Graffiti Removal and Steam Cleaning Services. 2. Authorized staff to solicit bids. MOTION UNANIMOUSLY CARRIED.

12. **BID DOCUMENTS FOR THE PLAYGROUND EQUIPMENT REPLACEMENT PROJECT (PW 2007.22C)** submitted by Director of Public Works/City Engineer. (F: 34.3B 2007.22C)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved bid documents for the construction of the Playground Equipment Replacement Project (PW 2007.22C). 2. Authorized staff to solicit bids. **MOTION UNANIMOUSLY CARRIED.**

13. **AWARD OF CONTRACT FOR PROFESSIONAL CONSULTING SERVICES FOR THE IMPLEMENTATION PHASE OF THE OPPORTUNITIES STUDY** submitted by Director of Development Services. (F: 50.11)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the Professional Consultant Services Agreement with Nuquest Ventures, substantially in the form attached. 2. Authorized the Mayor to sign the Professional Consultant Services Agreement with Nuquest Ventures. **MOTION UNANIMOUSLY CARRIED.**

14. **FIRST AMENDMENT TO AGREEMENT WITH TREE ELEMENTS, INC. FOR TREE SERVICES** submitted by Director of Public Works/City Engineer. (F: 34.4A)

ACTION: On motion by Herzog and second by Council Member Dixon, the City Council: 1. Approved the First Amendment with Tree Elements, Inc., for tree services, substantially in the form attached. 2. Authorized the Mayor to sign, and City Clerk to attest the agreement amendment with Tree Elements, Inc. **MOTION UNANIMOUSLY CARRIED.**

15. NOTICE OF COMPLETION FOR THE UNIVERSALLY ACCESSIBLE PLAYGROUND PROJECT (PW 2007.23) submitted by Director of Public Works/City Engineer. (F: 34.3B PW 2007.23)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Found that Micon Construction, of Placentia, California has completed the construction of the Universally Accessible Playground Project (PW 2007.23). 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 for recordation to the Office of the County recorder of Orange County, within ten days of the City Council approval, as required by Section 3093 of the California Civil Code. 4. Authorized payment to the contractor of the ten percent (10%) retention, in the amount of \$34,580.34, 35 days after the recording date of the Notice of Completion, providing no Stop Notices are on file with the City preventing the release of the final payment. **MOTION UNANIMOUSLY CARRIED.**

DISCUSSION/ACTION ITEMS:

16. CLARIFICATION/INTERPRETATION OF OFF-STREET PARKING REQUIREMENTS CONTAINED IN CHAPTER 9.168 OF THE MUNICIPAL CODE submitted by Director of Development Services. (F: 50.3F)

ACTION: On motion by Council Member Dixon and second by Mayor Tettermer, the City Council provided general input and direction on parking requirements for shopping centers and alternatives and exceptions to City parking regulations for analysis and recommendation by the Planning Commission. **MOTION UNANIMOUSLY CARRIED.**

17. ORDINANCES AMENDING PROVISIONS OF THE LAKE FOREST MUNICIPAL CODE RELATED TO THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM AND SPECIAL EVENTS REGULATIONS submitted by City Attorney. (F: 50.11C)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Introduced for first reading Ordinance No. 199 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 TRANSPORTATION MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD. 2. Introduced for first reading Ordinance No. 200 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTERS 11.16 AND 13.04 OF THE LAKE FOREST MUNICIPAL CODE AND ADDING CHAPTER 5.05 TO THE LAKE FOREST MUNICIPAL CODE RELATING TO SPECIAL EVENTS. MOTION UNANIMOUSLY CARRIED.

18. 2009-10 LEGISLATIVE PLATFORM submitted by Assistant to the City Manager. (F: 72.2B)

ACTION: On motion by Mayor Pro Tem Herzog and second by Mayor Tettermer the City Council: 1. Approved the addition of a new policy guideline to the 2009-10 Legislative Platform to address overcrowding in residential neighborhoods. 2. Adopted the 2009-10 Legislative Platform. MOTION UNANIMOUSLY CARRIED.

19. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by 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 presented comments.

Council Member McCullough presented comments.

Council Member Rudolph presented comments.

Mayor Pro Tem Herzog presented comments.

Mayor Tetteimer presented comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 8:35 p.m.