

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
January 18, 2011

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: 5:39 p.m.

ROLL CALL: Council Members: Kathryn McCullough
Marcia Rudolph
Scott Voigts
Mayor Pro Tem: Mark Tettemer
Mayor: Peter Herzog
City Manager: Robert C. Dunek
City Attorney: Scott C. Smith
City Clerk: Stephanie D. Smith

CLOSED SESSION (F: 16.3) 5:39 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 3

City of Lake Forest v. De La Cuesta, et al. (Consolidated Case No. 30-2009 00298887)

City of Lake Forest adv. Marla James, et al. (Case No. SACV 10-00402 AG(MLGx))

City of Lake Forest v. Pharmer's Choice Collective (Case No. 30-201000435043)

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code
Section 54956.9(c)
Number of Potential Cases: 1

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section
54956.9(b)
Number of Potential Cases: 1

ACTION: Conduct Closed Session.

RECESS: City Council recessed at 6:55 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:07 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:07 p.m.

PLEDGE OF ALLEGIANCE:

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

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there was no reportable action. City Council Member McCullough did not participate in Closed Session Agenda Item No. 3 and left the Closed Session chamber.

PRESENTATIONS:

There were no items scheduled for Presentation.

REPORT FROM STUDENT LIAISON:

John Heffel, Student Liaison from El Toro High School, presented his report.
(F: 35.2A)

RECESS: City Council recessed at 7:12 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:13 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Vincent Burke and Bob Holtzclaw.

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

4. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 30.11)

Mayor Pro Tem Tetterer abstained on the warrant payable to David Taussig and Associates.

ACTION: On motion by Council Member McCullough and second by Mayor Herzog, the City Council approved the warrant register in the amount of \$556,971.58 as submitted. MOTION CARRIED with Mayor Pro Tem Tetterer abstaining on the warrant payable to David Taussig and Associates.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5 - 12)

ACTION: On motion by Mayor Pro Tem Tetterer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. *5-8 and *10 as submitted. MOTION UNANIMOUSLY CARRIED.

- *5. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved 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.

- *6. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON DECEMBER 21, 2010 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *7. QUARTERLY SIX MONTH CONTRACT EXPIRATION NOTICE MEMORANDUM submitted by City Clerk. (F: 11.2)

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

- *8. PROJECT APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM submitted by Director of Public Works/City Engineer. (F: 71.12D2)

ACTION: The City Council: 1. Adopted Resolution No. 2011-01 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN IMPROVEMENT PROJECT APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM.

2. Authorized the City's Director of Public Works/City Engineer to send a certified copy of the Resolution to the Orange County Transportation Authority (OCTA) with the Comprehensive Transportation Funding Program (CTFP) Application for Fiscal Years 2011-12 to 2013-14.

3. Authorized the Director of Public Works/City Engineer to complete the necessary CTFP Funding Application Forms and submit them to the OCTA for the projects identified in the Resolution.

- *10. CONTRACT EXTENSION FOR COMPUTER SUPPORT SERVICES submitted by Deputy City Manager/Director of Management Services. (F: 52.4B4)

ACTION: The City Council approved the Second Amendment to the Professional Consultant Services Agreement with Synoptek, Inc., substantially in the form attached, to provide computer support services.

PULLED CONSENT CALENDAR ITEMS:

9. GO LOCAL STEP TWO UPDATE submitted by City Manager. (F: 32.24)

Council Member Rudolph pulled this item for separate consideration.

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

11. MEMORANDUM OF UNDERSTANDING FOR THE EL TORO ROAD TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT submitted by Director of Public Works/City Engineer. (F: 66.8A PW 2009.07A)

Mayor Herzog pulled this item for separate consideration.

ACTION: On motion by Mayor Herzog and second by Council Member Voigts, the City Council continued the Memorandum of Understanding C-0-1692 by and between Orange County Transportation Authority and the Cities of Aliso Viejo, Laguna Beach, Laguna Hills, Laguna Woods, Lake Forest, Mission Viejo, the County of Orange, and the State of California Department of Transportation for El Toro Road Traffic Light Synchronization Program Project. **MOTION UNANIMOUSLY CARRIED.**

12. **CONSTRUCTION PLANS AND BID SPECIFICATIONS FOR TRABUCO ROAD STREETSCAPE PROJECT (PW 2005.06) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2005.06)**

This item was pulled by a member of the public. The following members of the public offered comments: Susan Brown Matsumoto, Jim Rickert, Don Lauer, Mike Padian, Pollan Rikowski, and Mark Gray.

ACTION: On motion by Mayor Herzog and second by Council Member Voigts, the City Council: 1. Approved the bid documents for the construction of the Trabuco Road Streetscape Project as amended. 2. Authorized staff to solicit bids for construction. **MOTION UNANIMOUSLY CARRIED.**

RECESS: Council recessed at 9:40 p.m.

RECONVENE: Council reconvened at 9:44 p.m.

DISCUSSION/ACTION ITEMS:

13. **COMMISSION APPLICANT INTERVIEWS AND APPOINTMENT PROCESS - PLANNING COMMISSION submitted by City Clerk. (F: 23.5A)**

ACTION: Applicants for the Planning Commission made a presentation to the City Council. Upon completion of the applicant's presentation, the City Council conducted its interviews. At the conclusion of all interviews, by consensus of the City Council, Tim Hughes, Jerry Verplanke, and Jerry Zechmeister were selected to serve as the Planning Commissioners until December 2014.

14. **LAKE FOREST MUNICIPAL CODE ANNUAL UPDATE**

- A. CABLE FRANCHISE submitted by Deputy City Manager/Director of Management Services. (F: 11.4A)

Staff report dated January 18, 2011, was introduced.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council introduced for first reading Ordinance No. 223 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 5.31 OF THE LAKE FOREST MUNICIPAL CODE TO ESTABLISH FRANCHISE FEES AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN THE CITY. MOTION UNANIMOUSLY CARRIED.

- B. PURCHASING ORDINANCE AMENDMENTS AND RE-ADOPTION OF CONTRACT TEMPLATES submitted by Deputy City Manager/Director of Management Services. (F: 51.2A19)

Staff report dated January 18, 2011, was introduced.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Introduced for first reading Ordinance No. 224 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING LAKE FOREST MUNICIPAL CODE CHAPTER 3.13, PUBLIC PROJECTS - BIDDING AND PROCEDURES, TO MODIFY MAILING REQUIREMENTS FOR NOTICES INVITING FORMAL BIDS (AB 2184). 2. Re-adopt the contract templates in the form substantially attached. MOTION UNANIMOUSLY CARRIED

15. ACTIONS REGARDING MEMORANDUM OF UNDERSTANDING FOR THE SERRANO CREEK RESTORATION submitted by Director of Public Works/City Engineer. (F: 60.7A)

ACTION: The City Council discussed the item and provided direction to staff.

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

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

Council Member McCullough left the dais at 10:00 p.m.

17. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES submitted by City Clerk.

ACTION: The City Council made no appointments.

Council Member McCullough returned to the dais at 10:05 p.m.

18. CITY COUNCIL CHAMBERS "IN GOD WE TRUST" DISPLAY submitted by the Assistant to the City Manager. (F: 10.3)

Staff report dated January 18, 2011, was introduced.

The following members of the public offered comments: Bruce Gleason, Cora Lee Hobbs, Joe Cosgrove, Greg Gillaspay, Mark Muller, Karla Westphal, Mark Smith, Christopher McCullough, and Vincent Burke.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council adopted the motto for the City "In God We Trust." MOTION CARRIED with Mayor Herzog and Mayor Pro Tem Tetteimer opposed.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Voigts offered comments.

Mayor Pro Tem Tetteimer offered no comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 11:20 p.m.