

PRELIMINARY ACTION AGENDA LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
January 6, 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: 6:07 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 6:07 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION: (F: 16.3) 6:07 p.m.

1. CONFERENCE WITH LABOR NEGOTIATOR: Robert Dunek, City Manager, pursuant to Government Code Section 54957.6
Title: Unrepresented Employees.
2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (Three (3) properties: A-C)
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
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (b): One (1) Case.
4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957: City Attorney.
- 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 7:05 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:05 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Cub Scout Pack 651 Webelos Den 1 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. COMMENDATION FOR TERRY ANDERSON AS THE 2008 PLANNING COMMISSION CHAIRPERSON (F: 23.5A)
 - B. COMMENDATION FOR SHELDON ZEILER AS THE 2008 PARKS AND RECREATION COMMISSION CHAIRPERSON (F: 23.6A)
 - C. RECOGNITION OF DEPUTY SHERIFF SHANE MILLHOLLON (F: 55.5) (X: 48.8G)
 - D. RECOGNITION OF DEPUTY SHERIFF ALEX SALCEDA (F: 55.5) (X: 48.8G)

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

ACTION: New Mayor was given the opportunity to present comments.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

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

RECESS: City Council recessed at 7:20 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:21 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12) (X: 53.3B4)

The following member of the public offered comments: Bob Holtzclaw.

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

3. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$3,649,630.48. (F: 30.11)

Council Member Rudolph pulled the following warrants for separate consideration: County of Orange-Office of District Attorney, First American Core Logic, Orange County Taxi, PCR Services Corporation, Sunset Property Services, and Traffic Data Services, Inc.

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

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council approved the warrant payable for Sunset Property Services. MOTION CARRIED WITH COUNCIL MEMBER DIXON (ABSENT) ABSTAINING.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrants payable for County of Orange-Office of District Attorney, First American Core Logic, Orange County Taxi, PCR Services Corporation, and Traffic Data Services, Inc. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 4-12) (Items No. 9 and 11 were pulled for separate consideration.)

4. 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 Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council waived reading of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

5. MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL HELD ON DECEMBER 2, 2008, submitted by City Clerk.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved the Minutes of the regular City Council meeting held on December 2, 2008, as submitted. MOTION UNANIMOUSLY CARRIED.

6. QUARTERLY REPORT ON COMMISSION ATTENDANCE submitted by City Clerk. (F: 23.4)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved Commission absences as excused. MOTION UNANIMOUSLY CARRIED.

7. 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 Rudolph, the City Council received and filed the report. MOTION UNANIMOUSLY CARRIED.

8. ADOPTION OF ORDINANCE NO. 199 submitted by City Clerk. (F: 50.11C)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Conducted second reading of 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. Adopted Ordinance No. 199 as submitted. MOTION UNANIMOUSLY CARRIED.

9. ADOPTION OF ORDINANCE NO. 200 submitted by City Clerk. (F: 47.9)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council re-introduced for first reading of amended 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 CARRIED WITH COUNCIL MEMBERS DIXON AND HERZOG OPPOSED.

10. RESOLUTION IMPLEMENTING INTERNAL REVENUE CODE SECTION 414(H)(2) submitted by Director of Management Services. (F: 48.5)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: adopted Resolution No. 2009-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, IMPLEMENTING INTERNAL REVENUE CODE SECTION 414(H)(2). MOTION UNANIMOUSLY CARRIED.

11. CONSENSUS PLAN – HEROES PARK SNACK BAR AND RESTROOM submitted by Director of Community Services. (F: 34.3D PW 2007.21)

ACTION: On motion by Mayor Tetteimer and second by Council Member McCullough, the City Council: 1. Approved Consensus Plan for Heroes Park Snack Bar and Restroom. 2. Authorized staff to direct the architect to develop final construction plans, bid specifications and construction estimate. MOTION UNANIMOUSLY CARRIED.

12. NOTICE OF COMPLETION FOR THE VINTAGE WOODS TRAFFIC SIGNAL AT LAKE FOREST DRIVE (PW 2005.07) submitted by Director of Public Works/City Engineer. (F: 66.8A PW 2005.07)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Found that Steiny and Company, Inc. of Baldwin Park, California, has completed the construction of the Vintage Woods Traffic Signal at Lake Forest Drive (PW 2005.07). 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 \$17,374, 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:

13. COMMISSION APPLICANT INTERVIEWS AND APPOINTMENT PROCESS submitted by City Clerk. (F: 23.6A) (F: 23.5A)

ACTION: Applicants for both the Parks & Recreation Commission and 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 John Irish and Amanda Morrell were selected to serve as the Parks and Recreation Commissioners until December 2012. Terry Anderson and David Carter were selected to serve as the Planning Commissioners until December 2012.

14. STREET SWEEPING PARKING RESTRICTION POLICY submitted by Director of Public Works/City Engineer. (F: 64.5)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the Street Sweeping Parking Restriction Policy. MOTION UNANIMOUSLY CARRIED.

15. ACTIONS REGARDING MEMORANDUM OF UNDERSTANDING FOR THE SERRANO CREEK RESTORATION submitted by Director of Public Works/City Engineer. (F: 60.7A2)

ACTION: The City Council received and filed the report.

16. 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.

17. 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.

18. ANNUAL CITY COUNCIL APPOINTMENTS TO BOARDS,
COMMITTEES, COMMISSIONS, AND AGENCIES 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 no comments.

Council Member McCullough presented comments.

Council Member Rudolph presented comments.

Mayor Pro Tem Herzog presented comments.

Mayor Tetteimer presented no comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 10:16 p.m.