

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
September 6, 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: 6:02 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)

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED  
ACQUISITION OF REAL PROPERTY pursuant to Government Code  
Section 54956.9(c) Initiation of litigation Number of Potential cases: 1
2. 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 - Alex Rados  
Under Negotiation: Price and Terms of Payment

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:10 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:11 p.m., with all Members present to continue regular City business.

## PUBLIC SESSION

### PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of our Country was led by Boy Scout Troop 634.

### CLOSED SESSION REPORT: (F: 16.3)

Mayor Pro Tem Tettemer recused himself during Closed Session Item No. 1, discussions of anticipated acquisition of real property. City Attorney stated there was no reportable action.

### PRESENTATIONS:

3. DECLARE THE WEEK OF SEPTEMBER 17-23, 2011 AS "CONSTITUTION WEEK" submitted by City Clerk. (F: 55.2)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council approved the proclamation declaring the week of September 17-23, 2011 as Constitution Week. MOTION UNANIMOUSLY CARRIED.

The following items were heard out of order:

5. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED JUNE 30, 2011 submitted by Interim Director of Finance/City Treasurer. (F: 30.10A)

ACTION: The City Council received and filed the report from Kathy V. Lai with the firm of Macias, Gini & O'Connell.

4. IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE SEPTEMBER 11TH ATTACKS, ORANGE COUNTY FIRE AUTHORITY PRESENTATION OF THE US&R TASK FORCE PROGRAM AND CALIFORNIA TASK FORCE 5 submitted by City Clerk. (F: 55.5)

ACTION: The City Council received the presentation.

RECESS: City Council recessed at 7:28 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:**

The following member of the public offered comments: Matt Corrigan.

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

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

Mayor Pro Tem 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.

Council Member Rudolph pulled the following items for separate consideration: Tuttle Click Ford, Incorporated and California Association for Local.

ACTION: On motion by Council Member Voigts and second by Council Member McCullough, the City Council approved the balance of the warrant register in the amount as submitted. MOTION UNANIMOUSLY CARRIED.

Council Member Rudolph asked what was the purchase made through Tuttle Click Ford, Incorporated.

Staff reported a replacement vehicle for traffic enforcement.

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council approved the warrant payable for Tuttle Click Ford, Incorporated.

Council Member Rudolph asked for an explanation of the warrant payable to the California Association of Local.

Staff reported it is for a membership to the California Association of Local Economic Development Professionals.

**ACTION:** On motion by Council Member Rudolph and second by Council Member Voigts, the City Council approved the warrant payable to California Association of Local Economic Development Professionals.

**CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 15)**

**ACTION:** On motion by Mayor Pro Tem Tettemer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. \*7-11 and \*13-15. **MOTION UNANIMOUSLY CARRIED.**

- \*7. **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.

- \*8. **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON AUGUST 2, 2011**, submitted by City Clerk.

**ACTION:** The City Council approved the Minutes as submitted.

- \*9. **CITY FINANCIAL REPORTS - QUARTER ENDED JUNE 30, 2011** submitted by Interim Director of Finance/City Treasurer. (F: 30.13)

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

- \*10. **REQUEST FOR PROPOSALS FOR STREET SWEEPING SERVICES** submitted by Director of Public Works/City Engineer. (F: 64.5A)

**ACTION:** The City Council: 1. Approved the Request for Proposals for Street Sweeping Services. 2. Authorized staff to solicit proposals for these services.

- \*11. CONSTRUCTION CONTRACT AWARD FOR THE ROCKFIELD BOULEVARD STREETScape PROJECT submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2003.02)

ACTION: The City Council: 1. Awarded a contract in the amount of \$1,253,167.30 to EBS General Engineering, Inc., of Corona, California, for construction of the Rockfield Boulevard Streetscape Project (PW 2003.02). 2. Upon receipt of the executed contract documents from EBS General Engineering, rejected all other bids received and authorized return of the bid bonds. 3. Authorized the Mayor to sign, and the City Clerk to attest, the contract with EBS General Engineering Inc., substantially in the form attached. 4. Authorized the City Manager to approve contract change orders up to 10% of the contract amount. 5. Authorized the City Manager to dedicate the water meters installed as part of this project to the El Toro Water District for the purpose of maintenance and operation upon completion of the project.

- \*13. MASTER AGREEMENTS WITH SOUTHERN CALIFORNIA EDISON submitted by Director of Public Works/City Engineer. (F: 11.4C1)

ACTION: The City Council: 1. Approved the Application And Contract For Street Lighting Service Utility-Owned System Schedule No. LS-1. 2. Approved the Application And Contract For Street Lighting Service Customer-Owned System Schedule Nos. LS-2 and LS-3. 3. Entered into a License Agreement with Southern California Edison for attachment of traffic regulating signs and banners. 4. Authorized the Mayor to sign and City Clerk to attest these contracts and agreement with SCE, substantially in the form attached.

- \*14. CITY MANAGER EMPLOYMENT AGREEMENT submitted by Deputy City Manager/Director of Management Services. (F: 48.8A)

ACTION: The City Council approved the City Manager Agreement for Employment and authorized the Mayor to execute and the City Clerk to attest the document.

- \*15. COMMUNITY REMITTANCE FUNDING AGREEMENT submitted by Assistant City Manager. (This item is companion to Redevelopment Agency Agenda Item No. 6). (F: A50.7F)

ACTION: The City Council: 1. Adopted Resolution No. 2011-26 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE

FOREST, CALIFORNIA APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REMITTANCE FUNDING AGREEMENT BY AND BETWEEN THE CITY OF LAKE FOREST AND THE LAKE FOREST REDEVELOPMENT AGENCY PROVIDING FOR THE TRANSFER OF TAX INCREMENT REVENUE TO THE CITY IN AN AMOUNT NOT TO EXCEED THE AMOUNT OF THE COMMUNITY REMITTANCE REQUIRED UNDER AB X1 27. 2. Authorized the City Manager/Executive Director to execute the Agreement.

PULLED CONSENT CALENDAR ITEM:

12. FOURTH AMENDMENT TO AGREEMENT FOR THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM WITH AUSTIN-FOUST, INC. submitted by Director of Public Works/City Engineer. (F: 50.11D)

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: 1. Approved the Fourth Amendment to the Agreement for Professional Consulting Services with Austin-Foust Associates, Inc., for the Lake Forest Transportation Mitigation Program (LFTM) Baseline Adjustment, substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the Fourth Amendment with Austin-Foust Associate, Inc., for LFTM Program Baseline Adjustment. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

16. RESOLUTION DECLARING THAT ACQUISITION OF CERTAIN REAL PROPERTY (APN 612-022-10, 13.092 ACRES) IS NECESSARY FOR PUBLIC PARK PURPOSES AND AUTHORIZING INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE SUCH PROPERTY submitted by City Attorney. (F: 50.11E)

Mayor Pro Tem Tettemer recused himself and left the dais at 7:45 p.m.

City Attorney Smith provided Public Hearing procedures.

Staff report dated September 6, 2011 was introduced.

Mayor Herzog opened the Public Hearing for public comment.

Mayor Herzog closed the public portion of the Public Hearing.

**ACTION:** The City Council: 1. Conducted a hearing to consider the adoption of a Resolution of Necessity, including providing all parties interested in the affected property and their attorneys, or their representatives, an opportunity to be heard on the issues relevant to the Resolution of Necessity. 2. Adopted Resolution 2011-27 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST DECLARING THAT ACQUISITION OF CERTAIN REAL PROPERTY IS NECESSARY FOR PUBLIC PARK PURPOSES AND AUTHORIZING INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE SUCH PROPERTY. MOTION CARRIED with Mayor Pro Tem Tettemer recused (absent from dais).

Mayor Pro Tem Tettemer returned to the dais at 7:50 p.m.

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 1.16 TO TITLE 1 OF THE LAKE FOREST MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS submitted by Director of Development Services. (F: 22.3)

City Manager Dunek reported on the necessity to remove the item from the calendar.

Mayor Herzog opened the Public Hearing for public comments.

Mayor Herzog closed the public portion of the Public Hearing.

**ACTION:** The City Council removed this item from the City Council calendar to be heard at a nonspecific future date.

#### DISCUSSION/ACTION ITEMS:

18. BID DOCUMENTS FOR THE EL TORO ROAD ENHANCED LANDSCAPE LIGHTING PROJECT PW 2010.05 submitted by Director of Public Works/City Engineer. (F: 64.3 PW 2010.05)

Staff report dated September 6, 2011 was introduced.

**ACTION:** On motion by Mayor Herzog and second by Council Member McCullough, the City Council continued this item, to the City Council Meeting of October 4, 2011. MOTION UNANIMOUSLY CARRIED.

19. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CHANGED PLAN 11-10-1587 FOR THE INSTALLATION OF TWO GATES AT

23141 ORANGE AVENUE submitted by Director of Development Services. (F: 23.5E14)

ACTION: On motion by Council Member McCullough and second by Mayor Herzog, the City Council continued this item and directed staff to provide clarification, and written approval from other tenants. MOTION UNANIMOUSLY CARRIED.

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

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

21. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES AND/OR ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY submitted by City Clerk.

ACTION: The City Council made no appointments.

#### 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 Tettermer offered no comments.

Mayor Herzog offered comments.

#### CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 8:55 p.m.

In recognition of the 10<sup>th</sup> Anniversary of the September 11<sup>th</sup> Attacks, City Council adjourned the meeting in memory of the 2,977 victims, including 343 firefighters and 60 police officers from the City of New York.