

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
April 6, 2010

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: 5:38 p.m.

ROLL CALL: Council Members: Kathryn McCullough  
Marcia Rudolph  
Mark Tetterer  
Mayor Pro Tem: Richard T. Dixon (ABSENT)  
Mayor: Peter Herzog  
City Manager: Robert C. Dunek  
City Attorney: Scott C. Smith  
City Clerk: Stephanie D. Smith

CLOSED SESSION (F:16.3) 5:38 p.m.

CLOSED SESSION: At this time, the City Council may recess to Closed Session for conference with Legal Counsel to discuss the items listed below pursuant to Government Code requirements. Any items not concluded by 7:00 p.m. may be continued to the end of the Public Session.

The City Council unanimously added (4-0-1 Dixon absent) the following item as an urgency item pursuant to Government Code Section 54954.2(b)(2) as the matter came to the attention of the City after the agenda had been posted and required action prior to the subsequent meeting of April 20, 2010.

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

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

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Existing Litigation  
Number of Cases: 4

City of Lake Forest v. Lake Forest Body Centre, Charlie Abujudeh, Julie Ho, Christine Vo & El Toro Plaza, L.P. (Case No. 07-CC11555)

Charlie Abujudeh v. City of Lake Forest (Case No. 07-CC10334)

Julie Ho v. City of Lake Forest (Case No. 30-2008-00107142)

Doris Vo, et al. v. City of Lake Forest, et al. (Case No. 30-2008-00113132)

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

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

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

City of Lake Forest v. Hernandez (Case No. 30-2009-00318656).

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code Section 54956.8  
Property: 18 acre portion of Tentative Tract 15944 consisting of Lots 14, 15, 16, 21, and 22 along with the westerly 119'+ 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.  
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 LABOR NEGOTIATORS:  
Pursuant to Government Code Section 56957.6  
Agency Designated Representatives: City Manager  
Unrepresented Employees: All City Employees
7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957(b)(1)  
Title: City Attorney
8. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)  
Number of Potential Cases: 1

ACTION: Conducted Closed Session.

RECESS: City Council recessed from Closed Session at 7:01 p.m. with all Members present with the exception of Mayor Pro Tem Dixon for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:09 p.m. to continue regular City business.

PUBLIC SESSION

7:09 p.m.

PUBLIC SESSION: At this time, the City Council will convene to consider public matters. Those wishing to address the City Council must submit a completed "Request to Speak" form to the City Clerk prior to City Council action.
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PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Mayor Herzog.

CLOSED SESSION REPORT: City Attorney Smith stated there was no reportable action. (F:16.3)

## **PRESENTATIONS:**

9. 2010 UNITED STATES CENSUS PRESENTATION submitted by City Clerk. (F:73.13A)

ACTION: Received presentation on status of the 2010 Federal Census from Juliet Gipson of the United States Census Bureau.

10. PROCLAMATION DECLARING THE WEEK OF APRIL 11-18, 2010 AS "DAYS OF REMEMBRANCE" IN HONOR OF HOLOCAUST VICTIMS submitted by Director of Management Services. (F:55.2)

ACTION: Approved as submitted.

11. PROCLAMATION DECLARING THE MONTH OF APRIL 2010 AS "DMV/DONATE LIFE CALIFORNIA MONTH" submitted by Director of Management Services. (F:55.2)

ACTION: Approved as submitted.

## **REPORT FROM STUDENT LIAISON:**

Nikki David, Student Liaison from El Toro High School, presented her report.

RECESS: City Council recessed at 7:23 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:25 p.m. with all members present with the exception of Mayor Pro Tem Dixon, to continue regular City business.

## **PUBLIC COMMENTS:**

The following members of the Public Offered comments:

Carl Raff, resident of Lake Forest  
Matt Corrigan, resident of Mission Viejo

## **CONSENT CALENDAR - WARRANT REGISTER: (Item No. 12)**

12. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$3,374,365.71. (F:30.11)

Council Member Rudolph pulled the following items for separate consideration: Jobs Available, Cost Recovery Systems, Lake Forest Community Association.

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council approved the balance of the warrant register as submitted. MOTION CARRIED with Mayor Pro Tem Dixon absent and Council Member Tetteimer abstaining on the warrants payable to Irvine Ranch Water District and David Taussig and Associates.

ACTION: On motion by Council Member Rudolph and second by Council Member Tetteimer, the City Council approved the warrant payable to Jobs Available. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member Rudolph and second by Council Member Tetteimer, the City Council approved the warrant payable to Cost Recovery Systems. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member Rudolph and second by Council Member Tetteimer, the City Council approved the warrant payable to Lake Forest Community Association. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 13-16)

MOTION: On motion by Council Member McCullough and second by Council Member Tetteimer, the City Council approved Consent Calendar Item Nos. \*13-15 as submitted. MOTION UNANANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

- \*13. 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 City Clerk.

ACTION: Waived reading of Ordinances and Resolutions.

- \*14. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MARCH 2, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- \*15. CONSENSUS PLANS – CONCOURSE AND MOUNTAIN VIEW PARKS IMPROVEMENTS & SHADE STRUCTURE PROGRAM submitted by Director of Community Services. (F: 34.3) (X: 46.4) (X: 46.11)

ACTION: 1. Approved Consensus Plans for Concourse and Mountain View Parks Improvements and Shade Structure Program. 2. Authorized staff to direct the architect to develop construction plans and bid specifications consistent with the consensus plans.

**PULLED CONSENT CALENDAR ITEMS:**

Council Member Rudolph pulled the following item for separate consideration:

16. AMENDED AND RESTATED AGREEMENT WITH THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT FOR THE 2010/11 FISCAL YEAR submitted by the Director of Community Services. (F:48.811)

MOTION: On motion by Council Member Tetteimer and second by Mayor Herzog, the City Council continued discussion on the Amended and Restated Recreation and Community Services Programs Agreement by and between the City of Lake Forest and The Saddleback Valley Unified School District for the period of July 1, 2010 - June 30, 2011 to the regular City Council Meeting to be held April 20, 2010. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

**DISCUSSION/ACTION ITEMS:**

17. STREET SWEEPING PARKING RESTRICTIONS submitted by the Director of Public Works/City Engineer. (F:64.5)

MOTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council adopted Resolution No. 2010-07, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ESTABLISHING STREET SWEEPING PARKING RESTRICTIONS ON VARIOUS STREETS. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

18. FY 2010-11 PRELIMINARY BUDGET BRIEFING submitted by Director of Finance/City Treasurer. (F:30.9)

ACTION: Provided preliminary City Council input to the Fiscal Year 2010-11 Budget preparation by City staff.

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

ACTION: Received and file report.

20. 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:

City Manager Dunek offered comments.

#### CITY COUNCIL COMMENTS:

Council Member Rudolph offered comments.

Council Member McCullough offered comments.

Council Member Tettemer offered comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

#### CONTINUED CLOSED SESSION:

There was no Continued Closed Session.

ADJOURNMENT: 8:58 p.m. in memory of former Interim City Attorney Tom Allen.