

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
August 16, 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:

6:10 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: City Manager and Alex Rados  
Under Negotiation: Price and Terms of Payment
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Pursuant to Government Code Section 54956.8

Property: 25550 Commercentre Drive  
Agent negotiators: City Manager and Assistant City Manager  
Negotiating parties: City Manager and Assistant City Manager and  
Newtower Trust Company  
Under Negotiation: Price and terms of payment

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 7:02 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 Council Member Voigts.

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

City Attorney Smith stated at 6:20 p.m. Mayor Pro Tem Tettermer, an employee of IRWD, recused himself in Closed Session during discussions relevant to IRWD real estate holdings and development agreement, and left the Closed Session.

### PRESENTATIONS:

4. INTRODUCTION OF NEW FINANCE DEPARTMENT EMPLOYEE submitted by Deputy City Manager/Director of Management Services. (F: 48.8E)

ACTION: On motion by Mayor Pro Tem Tettermer and second by Council Member McCullough, the City Council received the introduction of Kevin Shirah as the new Accounting Manager in the Finance Department. MOTION UNANIMOUSLY CARRIED.

5. RECOGNITION OF 2011 PARADE VOLUNTEERS, SPONSORS AND AWARD WINNERS submitted by Director of Community Services. (F: 55.5) (X: 63.2)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council: 1. Recognized the volunteers and groups who helped plan and produce the 2011, Lake Forest Independence Day Parade and related events. 2. Recognized the parade sponsors for their generous support. 3. Presented awards to the winning parade entries. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Gray Smith, James Sheffield, Matt Corrigan, and Heiko Peschal.

Council Member Rudolph left the dais at 8:03 p.m.

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 Tettemer 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.

ACTION: On motion by Council Member Voigts and second by Mayor Pro Tem Tettemer, the City Council approved the warrant register in the amount of \$1, 983,170.90 as submitted. MOTION CARRIED with Council Member Rudolph absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 20)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council approved Consent Calendar Item Nos. \*7-19 as submitted. MOTION CARRIED with Council Member Rudolph absent.

- \*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 JOINT WORKSHOP DATED MAY 9, 2011 AND THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 19, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- \*9. MONTHLY TREASURER'S REPORT - JULY submitted by Interim Director of Finance/City Treasurer. (F: 30.13)

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

- \*10. ADOPTION OF ORDINANCE NO. 234 submitted by City Clerk. (F: A 10.2)

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 234 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE LAKE FOREST REDEVELOPMENT AGENCY. 2. Adopted Ordinance No. 234.

- \*11. FISCAL YEAR 2010-11 4TH QUARTER TRAVEL AND MEETING EXPENSES - APRIL 1, 2011 - JUNE 30, 2011 submitted by City Clerk. (F: 51.2A24a)

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

- \*12. ADOPTION OF FIVE-YEAR STRATEGIC PLAN submitted by Deputy City Manager/Director of Management Services. (F: 30.7)

ACTION: The City Council adopted the Lake Forest Five-Year Strategic Business Plan 2011-2016 substantially in the form submitted.

- \*13. 2010 HOMELAND SECURITY GRANT PROGRAM submitted by Chief of Police Services. (F: 32.17)

ACTION: The City Council: 1. Authorized the City Manager to execute,

and the City Clerk to attest, the agreement with the Orange County Sheriff's Department to Transfer Funds for the 2010 Homeland Security Grant Program. 2. Adopted Resolution No. 2011-24 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ACCEPT THE AGREEMENT TO TRANSFER FUNDS FOR THE 2010 HOMELAND SECURITY GRANT PROGRAM.

- \*14. AMENDMENT OF PERSONNEL RULES AND REGULATIONS - HEALTH INSURANCE submitted by Deputy City Manager/Director of Management Services. (F: 51.7)

ACTION: The City Council adopted Resolution No. 2011-25 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE AMENDMENT OF THE PERSONNEL RULES AND REGULATIONS.

- \*15. SECOND CONTRACT EXTENSION FOR PARK RESTROOM JANITORIAL SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F3)

ACTION: The City Council: 1. Approved the Second Agreement Amendment for Park Restroom Janitorial Services with Team One Management, substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the second agreement amendment.

- \*16. CONSTRUCTION CONTRACT AWARD FOR THE EL TORO ROAD AND JERONIMO ROAD STREETScape PROJECTS (PW 2007.02) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.02)

ACTION: The City Council: 1. Waived the minor bid irregularity of a unit bid price clerical error, and awarded a contract in the amount of \$2,024,719, to Jeff Tracy Inc., DBA Land Forms Landscape Construction, of Laguna Niguel, California, for construction of the El Toro Road and Jeronimo Road Streetscape Projects (PW 2007.02). 2. Upon receipt of the executed contract documents from Land Forms Landscape Construction, 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 Land Forms Landscape Construction 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 meter installed as part of this project to the El Toro Water District for the purpose of maintenance and operation upon completion of the project.

- \*17. BID DOCUMENTS FOR ON-CALL FACILITY REPAIR SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F3)

ACTION: The City Council: 1. Approved the bid documents for On-Call Facility Repair Services. 2. Authorized staff to solicit bids.

- \*18. MASTER FUNDING AGREEMENT NO. C-1-2773 WITH ORANGE COUNTY TRANSPORTATION AUTHORITY TO RECEIVE M2 COMPREHENSIVE TRANSPORTATION FUNDING FOR THE RANCHO PARKWAY GAP CLOSURE PROJECT submitted by Director of Public Works/City Engineer. (F: 64.4A)

ACTION: The City Council: 1. Approved Master Funding Agreement No. C-1-2773 between the Orange County Transportation Authority and the City of Lake Forest for Measure M (M2) Comprehensive Transportation Funding for the Rancho Parkway Gap Closure Project. 2. Authorized the Mayor to execute, and the City Clerk to attest, Master Agreement No. C-1-2773, substantially in the form attached.

- \*19. CONTRACT AWARD FOR CONSULTANT SERVICES FOR THE ADA ACCESS RAMP IMPROVEMENT PROJECT (PW 2010.01) submitted by Director of Public Works/City Engineer. (F: 61.3A PW 2010.01)

ACTION: The City Council: 1. Approved the selection of C&V Consulting, Inc., for professional engineering consultant services for the ADA Access Ramp Improvement Project (PW 2010.01). 2. Authorized the Mayor to execute the Agreement with C&V Consulting, Inc., substantially in the form attached.

**PULLED CONSENT CALENDAR ITEM:**

- 20. CIVIC CENTER NEEDS ASSESSMENT, FACILITIES PROGRAM, CONCEPTUAL DESIGN, AND PROJECT BUDGET VALIDATION AND REFRESH submitted by Deputy City Manager/Director of Management Services. (F: 15.6)

Mayor Pro Tem Tetterer pulled this item for separate consideration.

ACTION: On motion by Mayor Pro Tem Tetterer and second by Council Member McCullough, the City Council: 1. Approved the

attached scope of work for the Civic Center needs assessment, facilities program, conceptual design, and project budget validation and refresh.  
2. Appropriated funds from the OSA CIP budget for a not-to-exceed amount of forty seven thousand five hundred dollars (\$47,500).  
3. Authorized the Mayor to execute an agreement with Griffin Structures, Inc., substantially in the form attached. MOTION CARRIED with Council Member Rudolph absent.

#### PUBLIC HEARING(S):

21. 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)

City Attorney Smith reviewed the public hearing procedure.

Council Member Rudolph returned to the dais at 8:08 p.m.

Staff report dated August 16, 2011 was introduced.

Mayor Herzog opened the continued Public Hearing for public comment.

The following members of the public offered comments: Peter Capdevielle and Craig Ota.

Mayor Herzog closed the public comment portion of the Public Hearing.

Council discussion ensued.

**ACTION:** On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Granted the appeal of the Planning Commission denial of Changed Plan 11-10-1587 for the installation of two gates at 23141 Orange Avenue. 2. Directed staff to prepare a Resolution for the City Council meeting of September 6, 2011, formalizing City Council's findings. MOTION CARRIED with Mayor Herzog and Mayor Pro Tem Tetterer opposed.

#### DISCUSSION/ACTION ITEMS:

22. CONSIDERATION OF ADDITIONAL RESIDENTIAL DEVELOPMENT IN THE OPPORTUNITIES STUDY AREA submitted by Assistant City Manager. (F: 50.11B) (X: 26.12)

Staff report dated August 16, 2011 was introduced.

The following members of the public offered comments: Larry Tucker, James O'Malley, and Dave Bartlett.

**ACTION:** On motion by Mayor Herzog and second by Council Member Voigts, the City Council: 1. Approved a process that may be used to evaluate current requests for changes to the City's General Plan within the Opportunities Study Area. 2. Approved a form Pre-Application Agreement amended with the goal of completion within 60 to 90 days of submittal of pre application and authorized the City Manager to execute agreements with current property owners/developers requesting residential development in the Opportunity Study Area. 3. Authorized staff to commence a process to amend the General Plan to require approval of a Development Agreement for all future General Plan Amendments **MOTION .UNANIMOUSLY CARRIED.**

23. **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.

24. **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 no comments.

Mayor Pro Tem Tettermer offered no comments.

Mayor Herzog offered comments.



CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:26 p.m.