

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
December 1, 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: 6:03 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
Acting City Clerk: Debra Rose

RECESS: City Council recessed at 6:08 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION (F: 16.3) 6:03 p.m.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: Parcel 1 of lot line adjustment no. 11-2000-10 in the City of Lake Forest. County of Orange, State of California recorded October 20, 2000, as instrument no. 2000 565713, of official records of said County, Parcel 2 of lot line adjustment no. 11-2002-02 recorded October 30, 2002, as instrument no. 20020948495, of said official records, Parcels 4 and B of Parcel Map No. 97-173 as shown on Map filed in Book 301 Pages 43, 44 and 45, of Parcel Maps in the office of the County Recorder of said County, a portion of Parcel 1 of Parcel Map No. 94-139 as shown on a

Map filed in Book 288, Pages 19 and 20 of said Parcel Maps and all of Tract No. 16224 as shown on a Map filed in Book 824, Pages 36 through 41, of miscellaneous maps in the office of the County Recorder of said County and Lot 8 of Tract No. 14754 as shown on a Map filed in Book 713, Pages 3 through 11, inclusive of said Miscellaneous Maps.

Agency negotiators: City Manager and City Attorney

Negotiating parties: Property Owner of Record

Under Negotiation: Price and Terms of Payment

2. 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

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Existing Litigation

Number of Cases: 7

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

City of Lake Forest v. Power of Trinity, et al. (Case No. 30-2009 00298871)

City of Lake Forest v. GGECO, Inc., et al. (Case No. 30-2009 00298892)

City of Lake Forest v. Acquiport Three Corp., et al. (Case No. 30-2009 00298860)

City of Lake Forest v. New Amsterdam Cooperative, et al. (Case No. 30-2009-00310517)

City of Lake Forest v. OCMC, et al. (Case No. 30-2009 00298852)

City of Lake Forest v. Earth Cann Wellness Center, et al. (Case No. 30-2009 00313523)

4. 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. Lake Forest Body Centre, Julie Ho, Charlie Abujudeh, El Toro L.P. (Orange County Superior Court Case No. 07-CC11555)

Abujudeh v. Lake Forest (Orange County Superior Court, Case No. 07-CC10334, California Court of Appeals, District 4-Division 3, Case No. G0410604)

Darlene Do Thi Nguyen v. City of Lake Forest (Orange County Superior Court, Case No. 30-2008-00101159)

5. 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 (Orange County Superior Court, Case No. 00318656)

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

7. 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 at 6:50 p.m., from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:04 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:04 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

The Pledge of Allegiance to the Flag of our Country was led by Mayor Tetteimer.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there was no reportable actions.

PRESENTATIONS:

8. INTRODUCTION OF NEW EMPLOYEE - FINANCE DEPARTMENT submitted by Director of Finance/City Treasurer. (F: 48.8E)

ACTION: On motion by Council Member McCullough and second by Mayor Pro Tem Herzog, the City Council received the introduction of Eric Neumann as the Accounting Technician in the Finance Department.
MOTION UNANIMOUSLY CARRIED.

9. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED JUNE 30, 2009, submitted by Director of Finance/City Treasurer. (F: 30.10A)

ACTION: On motion by Council Member McCullough and second by Mayor Pro Tem Herzog, the City Council received and filed the report from Kathryn Beseau with the firm of Macias, Gini & O'Connell, LLP.
MOTION UNANIMOUSLY CARRIED.

REPORT FROM STUDENT LIAISON: (F: 35.2)

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

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

RECONVENE: City Council reconvened at 7:14 p.m., with All Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Kandice Hawes, Nadia Khan, Mark Moen, and Roger Earnhart.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 10)

10. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,063,959.57. (F: 30.11)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council approved the warrant register as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11-19)

11. 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 Acting City Clerk.

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council waived the reading of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

12. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD SEPTEMBER 15, 2009, submitted by Acting City Clerk.

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council approved the Minutes of the regular meeting of the City Council held September 15, 2009 as submitted. MOTION UNANIMOUSLY CARRIED.

13. CITY FINANCIAL REPORTS - QUARTER ENDED JUNE 30, 2009, submitted by Director of Finance/City Treasurer. (F: 30.13)

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

14. CITY FINANCIAL REPORTS - QUARTER ENDED SEPTEMBER 30, 2009, submitted by the Director of Finance/City Treasurer. (F: 30.13)

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

15. FIRST AMENDMENT TO AGREEMENT WITH EMANUELS JONES & ASSOCIATES FOR LEGISLATIVE ADVOCACY SERVICES submitted by Assistant to the City Manager. (F: 72.2C1)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Approved the First Amendment to the Agreement with Emanuels Jones & Associates for legislative advocacy services. 2. Authorized the Mayor to sign and the City Clerk to attest the First Amendment with Emanuels Jones & Associates. MOTION UNANIMOUSLY CARRIED.

16. SECOND AMENDMENT TO AGREEMENT WITH TREE ELEMENTS, INC., FOR TREE SERVICES submitted by Director of Public Works/City Engineer. (F: 34.4A)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Approved the Second Amendment with Tree Elements, Inc., for three services, substantially in the form attached. 2. Authorized the Mayor to sign, and Acting City Clerk to attest the agreement amendment with Tree Elements, Inc. MOTION UNANIMOUSLY CARRIED.

17. TRAFFIC SIGNAL PREEMPTION INSTALLATION CONTRACT AWARD (PW 2007.19) submitted by Director of Public Works/City Engineer. (F: 66.8A PW 2007.19)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Waived the minor bid irregularities submitted by Steiny and Company, Inc., the apparent lowest bid, and award a contract in the amount of \$216,989 for Traffic Signal Preemption Installation (PW 2007.19). 2. Upon receipt of the executed contract documents from Steiny and Company, Inc., rejected all other bids received and authorized return of the Bid Bonds. 3. Authorized the City Manager to approve contract change orders up to a maximum ten percent of the original contract cost. **MOTION UNANIMOUSLY CARRIED.**

18. **AUTHORIZATION FOR SOLE SOURCE ACQUISITION AND INSTALLATION OF TRAFFIC SIGNAL CONTROLLERS (PW 2009.07A) submitted by Director of Public Works/City Engineer. (F: 66.7 PW. 2009.07A)**

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council approved Resolution No. 2009-36 entitled: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REGARDING THE SOLE SOURCE ACQUISITION AND INSTALLATION OF TRAFFIC SIGNAL CONTROLLERS. MOTION UNANIMOUSLY CARRIED.**

19. **ANNUAL REPORT OF FINANCIAL TRANSACTIONS AND HOUSING ACTIVITIES OF THE LAKE FOREST REDEVELOPMENT AGENCY submitted by Assistant City Manager. (F: 30.4)**

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council approved and authorized submittal of the Lake Forest Redevelopment Agency's Annual Report, Housing and Community Development Report, and Excess Surplus Plan by adoption of Resolution No. 2009-37 entitled: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST ADOPTING THE ANNUAL REPORT FOR THE 2008/2009 FISCAL YEAR AND EXCESS SURPLUS PLAN FOR THE EL TORO PROJECT AREA. MOTION UNANIMOUSLY CARRIED.**

PUBLIC HEARING(S):

20. ZONE CHANGE 2009-05, AMENDMENT TO CHAPTERS 9.144, 9.146, 13.08 AND 14.05 OF THE LAKE FOREST MUNICIPAL CODE, PERTAINING TO THE WATER EFFICIENT LANDSCAPE ORDINANCE submitted by Director of Development Services. (F: 69.1)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council introduced for first reading Ordinance No. 207 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTERS 9.144, 9.146, 13.08, AND 14.05 OF THE LAKE FOREST MUNICIPAL CODE, PERTAINING TO THE WATER EFFICIENT LANDSCAPE ORDINANCE AND GUIDELINES (ZC 2009-05). MOTION UNANIMOUSLY CARRIED.

21. APPEAL OF THE PLANNING COMMISSION APPROVAL OF USE PERMIT NO. 2009-16 TO PERMIT A 10,237 SQ. FT. MORTUARY AND WEDDING CHAPEL (FAIRHAVEN) IN AN EXISTING BUILDING, AN 855 SQ. FT. BUILDING EXPANSION, A 1,344 SQ. FT. FENCED PATIO, AND INTERIOR/EXTERIOR REMODELING, AT 23221 LAKE CENTER DRIVE submitted by Director of Development Services. (F: 23.5E11)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council directed staff to come back at the next scheduled City Council meeting with a Resolution to reverse the action of the Planning Commission and deny USE PERMIT NO. 2009-16 TO PERMIT A 10,237 SQ. FT. MORTUARY AND WEDDING CHAPEL (FAIRHAVEN) IN AN EXISTING BUILDING, AN 855 SQ. FT. BUILDING EXPANSION, A 1,344 SQ. FT. FENCED PATIO, AND INTERIOR/EXTERIOR REMODELING, AT 23221 LAKE CENTER DRIVE (Attachment No. 1). MOTION CARRIED WITH MAYOR TETTEMER AND MAYOR PRO TEM HERZOG OPPOSED.

22. ZONE CHANGE 2009-02, AMENDMENTS TO OFF-STREET PARKING REQUIREMENTS CONTAINED IN CHAPTER 9.168 OF THE MUNICIPAL CODE submitted by Director of Development Services. (F: 50.3F)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council introduced for first reading Ordinance No. 208 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 9.168 OF THE LAKE FOREST MUNICIPAL CODE (ZC 2009-02).
MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

23. **APPOINTMENT OF CITY REPRESENTATIVE TO ORANGE COUNTY VECTOR CONTROL DISTRICT BOARD OF TRUSTEES** submitted by Acting City Clerk. (F: 71.20)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council: 1. Appointed a representative to the Orange County Vector Control District Board of Trustees. 2. Designated the term of the appointment. **MOTION UNANIMOUSLY CARRIED.**

24. **REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES** submitted by Acting City Clerk. (F: 43.3B)

ACTION: The City Council made no appointments.

CITY COUNCIL CEREMONIAL ITEMS

25. **SELECTION OF MAYOR AND MAYOR PRO TEM FOR THE ENSUING YEAR** submitted by Acting City Clerk. (F: 26.11)

ACTION: On motion by Council Member Dixon and second by Mayor Tettermer, the City Council: 1. Opened nominations for Mayor; close nominations for Mayor; and declare results; Council Member Herzog was selected as Mayor for 2010. **MOTION UNANIMOUSLY CARRIED.**

On motion by Council Member Herzog and second by Council Member Tettermer, the City Council: 2. Opened nominations for Mayor Pro Tem; close nominations for Mayor Pro Tem; and declare results; Council Member Dixon was selected as Mayor Pro Tem for 2010. **MOTION UNANIMOUSLY CARRIED.**

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon offered comments.

Council Member McCullough offered comments,

Council Member Rudolph offered comments.

Mayor Pro Tem Herzog offered comments.

Mayor Tetteimer offered comments,

CONTINUED CLOSED SESSION: (F: 16.3)

There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 10:06 p.m.