

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
February 2, 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: 6:05 p.m.

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

CLOSED SESSION 6:05 p.m.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: PARCEL A: Parcels 9 through 14 of Parcel Map No. 84-121, as shown on a Map filed in Book 192, Pages 5 through 8 of Parcel Maps, records of Orange County, California.
EXCEPTING THEREFROM: Tract No. 13334 as shown on a Map filed in Book 617, Pages 42 to 46; Tract No. 13335 as shown on a Map filed in Book 617, Pages 33 to 41; those portions of Saddleback Ranch Road and Glenn Ranch Road of Tract No. 13524, as shown on a Map filed in Book 639, Pages 11 to 15; Tract No. 13849, as shown on a Map filed in Book 639, Pages 16 to 22, all of Miscellaneous Maps, records of Orange County California.
ALSO EXCEPTING THEREFROM: That portion described in "Irrevocable Offer of Dedication" recorded December 29, 1988 as File

No. 88-679627 of Official Records of Orange County. Said offer was accepted by Resolution No. 88-1647 of the Orange County Board of Supervisors.

ALSO EXCEPTING THEREFROM: That portion described in "Irrevocable Offer to Convey Real Property" recorded July 23, 1991 as Document No. 91-384977 of Official Records. Said offer was accepted by Resolution No. 03-334 of Orange County Board of Supervisors, a certified copy of which recorded November 25, 2003 as Document No. 2003-1422386 of Official Records.

PARCEL B: Lots 8 through 13 of Tract No. 13849, as shown on a Map filed in Book 639, Pages 16 through 22, of Miscellaneous Maps, records of Orange County, California.

EXCEPTING THEREFROM that portion of Lot 9 described in Deed to the Irvine Ranch Water District recorded December 9, 1992 as Document No. 92-844000 of Official Records.

PARCEL C: Parcel 5 as shown on Exhibit "B" attached to that certain Lot Line Adjustment No. LL 91-022, recorded June 12, 1991 as Document No. 91-298380 of Official Records.

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 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

4. 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. 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)

City of Lake Forest v. Independent Collective of Orange County, et al. (Case No. 30-2009 00324525)

5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
Potential Cases: 2

6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Title: City Attorney

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 from Closed Session at 6:55 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:03 p.m. with Mayor Herzog absent to continue regular City business.

PUBLIC SESSION

7:03 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Rudolph.

CLOSED SESSION REPORT: (F:16.3)

City Attorney Smith stated there was no reportable action from Closed Session.

PRESENTATIONS:

No items were scheduled for Presentation.

REPORT FROM STUDENT LIAISON: (F:35.2A)

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

RECESS: City Council recessed at 7:09 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:12 p.m. with all Members present with the exception of Mayor Herzog, to continue regular City business.

PUBLIC COMMENTS: (F26.12)

The public offered no comments.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 8)

8. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,525,726.55. (F:30.11)

Council Member Rudolph pulled the following items for separate consideration: Motorola and National Econ Corporation.

ACTION: On motion by Council Member Tettemer and second by Council Member McCullough, the City Council approved the balance of the warrant register as submitted. **MOTION UNANIMOUSLY CARRIED** with Mayor Herzog absent.

ACTION: On motion by Council Member Rudolph and second by Council Member Tetterer, the City Council approved the warrant payable to Motorola as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Herzog absent.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to National Econ Corporation as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Herzog absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 9 - 16)

ACTION: On motion by Council Member Rudolph and second by Council Member Tetterer, Consent Calendar Items 9-16 were approved. MOTION UNANIMOUSLY CARRIED with Mayor Herzog absent.

9. READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS.

ACTION: Waived reading of Ordinances and Resolutions.

10. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON NOVEMBER 17, 2009.

ACTION: Approved the minutes of the regular meeting of the City Council held on November 17, 2009, as submitted.

11. RESOLUTION AUTHORIZING LEASE AND MANAGEMENT AGREEMENTS WITH FAMILIES FORWARD FOR A SMALL HOUSING PROJECT. (F:73.7H4)

ACTION: Adopted Resolution No. 2010-04 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING THE AGENCY TO ENTER INTO LEASE AND MANAGEMENT AGREEMENTS FOR LEASING AGENCY PROPERTY TO FAMILIES FORWARD FOR A SMALL HOUSING PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33433(C).

12. STATUS OF COMPLIANCE WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMITS SECOND QUARTER FISCAL YEAR 2009-2010. (F69.13C)

ACTION: Received and filed the status of compliance with National Pollutant Discharge Elimination System (NPDES) Stormwater Permits for second quarter fiscal year 2009-2010.

13. BID DOCUMENTS FOR THE HEROES PARK SNACK BAR AND RESTROOM BUILDING PROJECT (PW 2007.21). (F: 34.3D PW 2007.21)

ACTION: 1. Approved bid documents for the construction of the Heroes Park Snack Bar and Restroom Building Project (PW 2007.21).
2. Authorized staff to solicit bids.

14. CONSULTANT SELECTION AND AGREEMENT FOR ALTON PARKWAY GEOTECHNICAL SERVICES (PW 2009.02G). (F:66.12)

ACTION: 1. Approved the selection of Hushmand Associates, Inc., for geotechnical services for the Alton Parkway project (PW 2009.02G).
2. Authorized the Mayor to execute an agreement with Hushmand Associates, Inc., substantially in the form attached.

15. QUARTERLY SIX MONTH CONTRACT EXPIRATION NOTICE MEMORANDUM. (F11.2)

ACTION: Received and filed the six month contract expiration notice memorandum.

16. AWARD OF CONTRACT FOR CONSULTANT SERVICES FOR ENVIRONMENTAL REVIEW FOR THE PROPOSED SERRANO SUMMIT DEVELOPMENT. (F:50.11B3)

ACTION: 1. Approved the selection of RBF Consulting for environmental consultant services for the proposed Serrano Summit development, in an amount not to exceed \$116,020. 2. Authorized the Mayor to execute, and the City Clerk to attest, the agreement with RBF Consulting.

DISCUSSION/ACTION ITEMS:

17. STREET SWEEPING RESTRICTIONS. (F:64.5)

The following member of the public offered comments: Dee Dever.

ACTION: On motion by Mayor Pro Tem Dixon and second by Council Member McCullough, the City Council directed staff to notify the affected residents of the proposed street sweeping restrictions, providing the residents an opportunity to self-correct parking on posted street sweeping days, and include in the notice to residents the rescheduled City Council consideration of this matter at the April 6, 2010 regular City Council meeting. MOTION UNANIMOUSLY CARRIED with Mayor Herzog absent.

18. LEGISLATIVE AND REGULATORY MATTERS. (F72.2B)

ACTION: On motion by Council Member Tetteimer and second by Council Member McCullough, the City Council adopted Resolution No. 2010-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, SUPPORTING THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010. MOTION UNANIMOUSLY CARRIED with Mayor Herzog absent.

19. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES. (F:43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Dixon offered comments.

Mayor Herzog was absent.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 7:55 p.m.