

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
January 19, 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: 5:35 p.m.

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

RECESS: City Council recessed at 6:01 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION (F:16.3) 5:35 p.m.

1. 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)

2. 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)

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

4. 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)

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

6. CONFERENCE WITH LEGAL COUNSEL – LIABILITY CLAIMS  
Pursuant to Government Code Section 54956.9(b)(3)(C)

Claimant: Excel Paving  
Agency Claimed Against: City of Lake Forest

7. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)  
Number of Potential Cases: 1
  
8. 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
  
9. 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

ACTION: Conducted Closed Session.

RECESS: City Council recessed from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened to continue regular City business.

PUBLIC SESSION

7:12 p.m.

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

CLOSED SESSION REPORT: (F:16.3)

City Attorney stated there was no reportable action. He further stated the City Council would return to continued Closed Session at the end of the Public 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 7:15 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:19 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS:

PUBLIC COMMENTS: (F: 26.12)

The following member of the public offered comments: Robert Kloetzer

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

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

10. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$2,333,136.56. (F:30.11)

**ACTION:** Council Member Rudolph pulled the following warrant for separate consideration: Custom Canopies.

On a motion by Council Member Tettemer 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 ABSTAINING ON THE WARRANT PAYABLE TO SUNSET PROPERTIES SERVICES.

ACTION: On motion by Council Member Rudolph and second by Council Member Tetteimer, the City Council approved the warrant payable to Custom Canopies as submitted. MOTION CARRIED UNANIMOUSLY

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11-18 )

11. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON NOVEMBER 3, 2009, submitted by City Clerk.

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council approved the Minutes of the regular meeting of the City Council held on November 3, 2009, as submitted. MOTION CARRIED UNANIMOUSLY.

- 11A. 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 the City Clerk.

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

12. ADOPTION OF ORDINANCE NO. 212 submitted by City Clerk. (F:50.11C)

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council: 1. Conducted second reading of Ordinance No. 212 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 7.19.030(C) OF THE LAKE FOREST MUNICIPAL CODE RELATING TO THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD. 2. Adopted Ordinance No. 212. MOTION CARRIED UNANIMOUSLY.

13. RESOLUTION TO CHANGE MEETING TIME FOR CITY COUNCIL MEETINGS submitted by City Attorney. (F:26.10)

ACTION: On motion by Council Member Tettemer and second by Mayor Pro Tem Dixon, the City Council adopted Resolution No. 2010-02 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, CHANGING THE TIME OF THE REGULAR MEETINGS OF THE CITY COUNCIL. MOTION CARRIED UNANIMOUSLY.

14. QUARTERLY REPORT ON COMMISSION ATTENDANCE - FOURTH QUARTER 2009, submitted by City Clerk. (F:23.4)

ACTION: On motion by Council Member Tettemer and second by Mayor Pro Tem Dixon, the City Council approved Commission absences as excused. MOTION CARRIED UNANIMOUSLY.

15. MONTHLY TREASURER'S REPORT submitted by Director of Finance/City Treasurer. (F:30.12)

ACTION: On motion by Council Member Tettemer and second by Mayor Pro Tem Dixon, the City Council received and filed the Monthly Treasurer's report. MOTION CARRIED UNANIMOUSLY.

16. NOTICE OF COMPLETION FOR THE LAKE FOREST DRIVE RESURFACING PROJECT (PW 2007.17F) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17F)

ACTION: On motion by Council Member Tettemer and second by Mayor Pro Tem Dixon, the City Council: 1. Found that All American Asphalt, of Corona, California has completed the construction of the Lake Forest Drive Resurfacing Project (PW 2007.17F). 2. Approved the Notice of Completion and authorize the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion for recordation to the Office of the County Recorder of Orange County, within ten days of the City Council approval, as required by Section 3093 of the California Civil Code. 4. Authorized payment to the contractor of the ten percent retention, in the amount of \$76,172.16, 35 days after the recording date of the Notice of Completion, providing no Stop Notices are on file with the City preventing the release of the final payment. MOTION CARRIED UNANIMOUSLY.

17. AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES FOR LAKE FOREST TRANSPORTATION MITIGATION PROGRAM submitted by Director of Public Works/City Engineer. (F:50.11D)

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council: 1. Approved the First Amendment to Agreement for Consultant Services for Lake Forest Transportation Mitigation (LFTM) program concept development services with VA Consulting Inc., substantially in the form attached. 2. Authorized the Mayor to sign the First Amendment to Agreement for Consultant Services with VA Consulting Inc. MOTION CARRIED UNANIMOUSLY.

18. FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH AUSTIN-FOUST ASSOCIATES FOR PREPARATION OF A TRAFFIC STUDY FOR THE PROPOSED SPORTS PARK submitted by Director of Development Services. (F:50.11E)

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council: 1. Approved the First Amendment to the agreement with Austin-Foust Associates, substantially in the form attached. 2. Authorized the Mayor to sign the First Amendment with Austin-Foust Associates. MOTION CARRIED UNANIMOUSLY.

#### **DISCUSSION/ACTION ITEMS:**

19. CONTRACTUAL SERVICES AGREEMENT FOR CITY/CHAMBER ENHANCED PARTNERSHIP submitted by Assistant City Manager. (F:42.3)

ACTION: On motion by Mayor Pro Tem Dixon and second by Council Member Rudolph, the City Council approved a Contractual Services Agreement for an enhanced partnership between the City of Lake Forest and the Lake Forest Chamber of Commerce and authorized the Mayor to execute the Agreement. MOTION CARRIED UNANIMOUSLY.

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

ACTION: Council by consensus provided direction to staff to draft a Resolution in support of the Local Taxpayer Public Safety and Transportation Protection Act of 2010.

21. 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 presented no comments.

CITY COUNCIL COMMENTS:

Council Member McCullough presented comments

Council Member Rudolph presented comments.

Council Member Tetteimer presented comments.

Mayor Pro Tem Dixon presented no comments.

Mayor Herzog presented no comments.

CONTINUED CLOSED SESSION:

RECESS: City Council recessed at 8:03 p.m. for the purpose of continuing Closed Session business.

RECONVENE: City Council reconvened to continue regular City business at 8:26 p.m.

CLOSED SESSION REPORT: (F:16.3)

City Attorney stated there was no reportable action.

ADJOURNMENT: (F:26.8)

The City Council adjourned the regular meeting at 8:26 p.m. in memory of former Orange County Supervisor Harriet Wieder.