

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
June 1, 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 D. Smith

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

The City Council unanimously added (3-0-2 Dixon and McCullough 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 June 15, 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. (Consolidated Case No. 30-2009 00298887)

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(c)  
Number of Potential Cases: 1

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957  
Title: City Manager

5. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency designated representative: Mayor  
Unrepresented employee: City Manager

6. 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.

Council Member McCullough joined the Closed Session at 5:45 p.m.  
Mayor Pro Tem Dixon was absent from Closed Session.

RECESS: City Council recessed from Closed Session at 7:05 p.m. for the purpose of conducting regular City business. Mayor Pro Tem Dixon joined the Meeting at this time.

RECONVENE: City Council reconvened at 7:08 p.m. with all Members present to continue regular City business.

PUBLIC SESSION

7:08 p.m.

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

CLOSED SESSION REPORT: City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

7. EL TORO CHARGERS - BOYS' WATER POLO TEAM CIF CHAMPIONS submitted by City Clerk. (F: 55.5)

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council voted to make presentations to the El Toro Boys' Varsity Water Polo Team. MOTION UNANIMOUSLY CARRIED.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

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

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

RECONVENE: City Council reconvened at 7:24 p.m. with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the Public offered comments:

Stephen Berger, Attorney, Irvine  
Michael Mawla, Lake Forest business owner  
Kevin Hebenstreit, Lake Forest resident

Liz Miller, Lake Forest resident  
Adam Nick, Lake Forest resident

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

8. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 30.11)

Council Member Rudolph pulled the following items for separate consideration: Bates Leather, Orange County Sheriff's Department, and County of Orange.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, 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 Property Services, Inc.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Dixon, the City Council approved the warrant payable to Bates Leather as submitted. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Dixon, the City Council approved the warrant payable to the Orange County Sheriff's Department as submitted. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Dixon, the City Council approved the warrant payable to the County of Orange. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 9 - 23)

ACTION: On motion by Council Member Tettemer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. \*9-16 and \*20-23. MOTION CARRIED with Mayor Herzog opposed on Item No. 11, Adoption of Ordinance 214. .

- \*9. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: 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.

- \*10. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MAY 4, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- \*11. ADOPTION OF ORDINANCE 214 - SIGN CODE submitted by City Clerk. (F: 50.3I)

ACTION: 1. Conducted second reading of Ordinance No. 214, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA AMENDING CHAPTER 9.164 (SIGN CODE) OF THE LAKE FOREST MUNICIPAL CODE (ZONE CHANGE 2009-01). 2. Adopted Ordinance No. 214.

- \*12. RESOLUTIONS RELATING TO THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 2, 2010 submitted by City Clerk. (F: 28.2)

RECOMMENDED ACTION: Adopted Resolutions:

1. No. 2010-10 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

2. No. 2010-11 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE

3. No. 2010-12 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010

- \*13. PROPOSED FISCAL YEAR 2009-10 BUDGET ADJUSTMENTS submitted by Director of Finance/City Treasurer. (F: 30.9)

ACTION: 1. Adopted Resolution No. 2010-13 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2009-10 AND THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2009-11. 2. Approved adjustments to estimated revenues as noted in this agenda report and summarized in the "Fiscal Impact" section of this report.

- \*14. REVIEW THE CITY'S CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974 submitted by Deputy City Manager/Director of Management Services. (F: 78.4J3b)

ACTION: 1. Directed the City Manager, or designee, to have the City's Conflict of Interest Code reviewed pursuant to Government Code Section 87306.5. 2. Directed the City Manager, or designee to file a statement of review with the City Clerk no later than October 1, 2010. 3. Directed the City Manager or designee to revise the Conflict of Interest Code based upon such review, if necessary.

- \*15. CONTRACT AWARD FOR THE EL TORO PARK PLAYGROUND RENOVATION PROJECT (PW 2007.22B) submitted by Director of Public Works/City Engineer. (F: 34.3B PW 2007.22B)

ACTION: 1. Rejected the bids received from Atom Engineering Construction, Mega Way Enterprises, Horizons Construction and Big Ben Inc., as non-responsive bids. 2. Awarded a contract in the amount of \$563,681 to C.S. Legacy Construction, Inc., of Chino, California, for construction of the El Toro Park Playground Renovation Project (PW 2007.22B). 3. Upon receipt of the executed contract documents from C.S. Legacy Construction, Inc., rejected all other bids received and authorize return of the Bid Bonds. 4. Authorized the reallocation of \$125,000 in excess funds from the Playground Equipment Replacement Project Budget to supplement the project budget which is primarily funded with Community Development Block Grant Funds (CDBG). 5. Authorized the Mayor to sign, and City Clerk to attest the contract with C.S. Legacy Construction, Inc. 6. Authorized the City Manager to approve contract change orders up to a maximum ten percent (10%) of the contract amount.

- \*16. CONTRACT AWARD FOR SLURRY SEAL OF VARIOUS CITY STREETS (PW 2009.08B) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2009.08B)

ACTION: 1. Awarded a contract in the amount of \$597,686.20 to Copp and Martin Contracting, Inc., of La Habra, California, for construction of the Slurry Seal of Various City Streets (PW 2009.08B) 2. Upon receipt of the executed contract documents from Copp and Martin Contracting, Inc., rejected all other bids received and authorize return of the Bid Bonds. 3. Authorized the Mayor to sign, and City Clerk to attest the contract with Copp and Martin Contracting, Inc., substantially in the form attached. 4. Authorized the City Manager to approve contract change orders up to a maximum ten percent (10%) of the contract amount.

- \*20. INDEPENDENCE DAY PARADE ROAD CLOSURES AND RELATED ACTIVITIES-JULY 3, 2010 submitted by Director of Community Services. (F: 63.2)

ACTION: 1. Approved road closures of race and parade route from 5:00 A.M. – 12:30 P.M. on July 3, 2010. 2. Directed Public Works to provide required traffic control devices and crews for road closures. 3. Directed Police Services to staff road closures and patrol events. 4. Approved street sweeping of route before race and after parade.

- \*21. 2009 HOMELAND SECURITY GRANT PROGRAM submitted by Chief of Police Services. (F: 32.17)

ACTION: 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 2009 Homeland Security Grant Program.

- \*22. AMENDMENT TO CONSULTANT AGREEMENT FOR INVESTMENT OVERSIGHT REVIEWER SERVICES submitted by Director of Finance/City Treasurer. (F: 30.10A1)

ACTION: Approved the third amendment to the consultant agreement with Macias, Gini & O'Connell, LLP, for investment oversight reviewer services.

- \*23. QUARTERLY SIX MONTH CONTRACT EXPIRATION NOTICE MEMORANDUM submitted by Deputy City Manager/Director of Management Services. (F: 11.2)

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

**PULLED CONSENT CALENDAR ITEMS:**

Mayor Herzog pulled the following item for separate consideration:

17. PLANS AND SPECIFICATIONS FOR THE STREET RESURFACING PROJECT ON VARIOUS STREETS (PW 2009.08A) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2009.08A)

ACTION: On motion by Mayor Herzog and second by Council Member Rudolph, the City Council: 1. Approved the construction plans and bid specifications for the Street Resurfacing Project on Various Streets (PW 2009.08A). 2. Directed staff to solicit bids for this project. MOTION UNANIMOUSLY CARRIED.

Council Member Rudolph pulled the following item for separate consideration:

18. REQUEST FOR PROPOSAL - SPORTS PARK DESIGN DEVELOPMENT SERVICES submitted by Director of Community Services. (F: 50.11E)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Approved the attached Request for Proposal for Sports Park Design Development Services. 2. Authorized staff to solicit proposals.

Mayor Herzog pulled the following item for separate consideration:

19. STATUS OF COMPLIANCE WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMITS THIRD QUARTER FISCAL YEAR 2009-2010 submitted by Director of Public Works/City Engineer. (F: 69.13C)

ACTION: On motion by Mayor Herzog and second by Mayor Pro Tem Dixon, the City Council received and filed the NPDES status report. MOTION UNANIMOUSLY CARRIED.

**PUBLIC HEARING(S):**

24. RETAINING WALL DESIGN GUIDELINES submitted by Director of Development Services. (F: 50.17)



ACTION: On motion by Council Member Tettermer and second by Council Member McCullough, the City Council continued consideration of the Retaining Wall Design Guidelines to the regular City Council Meeting of June 15, 2010 at 7:00 p.m. MOTION UNANIMOUSLY CARRIED.

Council Member Rudolph left the dais at 8:03 p.m. Council Member Rudolph returned to the dais at 8:06 p.m.

#### DISCUSSION/ACTION ITEMS:

25. BUDGET WORKSHOP FOLLOW UP (THIS ITEM WILL BE DISCUSSED CONCURRENTLY WITH REDEVELOPMENT AGENCY ITEM NO. 5) submitted by Director of Finance/City Treasurer. (F: 30.9)

ACTION: Exercised City Council discretion and provided direction to staff for the finalization of the Fiscal Year 2010-11 Operating Budget.

Council Member McCullough left the dais at 9:30 p.m. Council Member McCullough returned to the dais at 9:36 p.m.

26. CITY/CHAMBER CONTRACTUAL SERVICES AGREEMENT submitted by Assistant City Manager. (F: 42.3)

ACTION: The City Council: 1. Received and file the status report regarding implementation of the Contractual Service Agreement (Agreement) between the City and Lake Forest Chamber of Commerce.

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

ACTION: The City Council took no action.

28. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES submitted by City Clerk. (F: 43.3C)

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 Tetteimer offered no comments.

Mayor Pro Tem Dixon offered no comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no Continued Closed Session.

ADJOURNMENT: 9:50 p.m.