

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
May 5, 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: 6:10 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 6:10 p.m. for the purpose for conducting Closed Session business.

CLOSED SESSION: (F: 16.3) 6:10 p.m.

1. CITY MANAGER EVALUATION

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

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor

Unrepresented employee: City Manager

**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 7:05 p.m., with all Members present to continue regular City business.

**PUBLIC SESSION**

7:05 p.m.

**PLEDGE OF ALLEGIANCE:** (F: 26.21)

Council Member McCullough led the pledge of Allegiance to the Flag of our Country.

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

City Attorney Smith stated there were no reportable actions from Closed Session.

**PRESENTATIONS:**

3. **RECOGNITION OF GRADUATES OF THE 2009 LAKE FOREST COMMUNITY PREPAREDNESS ACADEMY** submitted by Chief of Police Services. (F: 55.5) (X: 73.4A4)

**ACTION:** On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council presented Certificates of Recognition for the 2009 Lake Forest Community Preparedness Academy participants.  
**MOTION UNANIMOUSLY CARRIED.**

4. PROCLAMATION DESIGNATING MAY 17-23, 2009, AS "NATIONAL PUBLIC WORKS WEEK" submitted by Director of Public Works/City Engineer. (F: 55.2)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved the proclamation designating the week of May 17-23, 2009, as "National Public Works Week" in the City of Lake Forest. MOTION UNANIMOUSLY CARRIED.

5. SOUTHERN CALIFORNIA REGIONAL DROUGHT ISSUES UPDATE submitted by Director of Management Services. (F: 69.4) (X: 69.2)

ACTION: The City Council received the presentation.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Christopher Berardino, Student Liaison from El Toro High School, presented his report.

RECESS: City Council recessed at 7:58 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 8:00 p.m., with all Members present to continue regular City business.

RECESS: City Council recessed at 8:00 p.m.

RECONVENE: City Council reconvened at 8:07 p.m.

PUBLIC COMMENTS: (F: 26.12)

The following member of the public offered comments: Bill Bennett.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 6)

6. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,446,071.42. (F: 30.11)

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

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7-14)

7. 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 Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council waived reading by title of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

8. ADOPTION OF ORDINANCE 202 submitted by Acting City Clerk. (F: 34.6)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Conducted the second reading of Ordinance No. 202 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 5.40 TO TITLE 5 OF THE LAKE FOREST MUNICIPAL CODE RELATING TO SHOPPING CARTS. 2. Adopted Ordinance No. 202 as submitted. MOTION UNANIMOUSLY CARRIED.

9. 2009/10 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN - FINAL APPROVAL submitted by Assistant City Manager. (F: 73.7H)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the final 2009/10 Community Development Block Grant (CDBG) Action Plan with an amendment. 2. Authorized staff to submit the Action Plan to the U.S. Department of Housing and Urban Development (HUD). MOTION CARRIED WITH COUNCIL MEMBER MCCULLOUGH AND RUDOLPH OPPOSED.

10. 2008 HOMELAND SECURITY GRANT PROGRAM submitted by Chief of Police Services. (F: 32.17)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council approved the Resolution authorizing the City Manager to accept the Agreement to Transfer Funds for the 2008 Homeland Security Grant Program. MOTION UNANIMOUSLY CARRIED.

11. NOTICE OF COMPLETION FOR LAKE FOREST DRIVE STORM DRAIN IMPROVEMENTS PROJECT (PW 2007.24) submitted by Director of Public Works/City Engineer. (F: 60.6H PW 2007.24)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Found that Dominguez General Engineering, Inc., of Rosemead, California, has completed the construction of Lake Forest Drive Storm Drain Improvements Project (PW 2007.24). 2. Approved the Notice of Completion and authorized 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 3090 of the California Civil Code. 4. Authorized payment to the contractor of the ten percent retention, in the amount of \$19,171, thirty-five days after the recording date of the Notice of Completion, provided no Stop Notices are on file with the City preventing the release of the final payment. MOTION UNANIMOUSLY CARRIED.

12. SIX-MONTH NOTICE OF CONTRACT EXPIRATION FOR CITY HALL JANITORIAL SERVICES submitted by Director of Public Works/City Engineer. (F: 52.3A2)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council received and filed the report as submitted.

13. APPROVAL OF PLANS AND SPECIFICATIONS FOR SLURRY SEAL OF VARIOUS CITY STREETS (PW 2007.17E) submitted by Director of Public Works/City Engineer. (F: 64.4A PW2007.17E)

ACTION: On motion by Council Member Dixon and second by Council

Member McCullough, the City Council: 1. Approved the plans and specifications for Slurry Seal of Various City Streets (PW 2007.17E). 2. Authorized staff to solicit bids for this project. MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING.

14. AMENDMENTS WITH SPECTRUMCARE FOR LANDSCAPE MAINTENANCE OF PARKS AND MEDIANS, PARKWAYS AND SLOPES submitted by Director of Public Works/City Engineer. (F: 34.3A PW 1999.08)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the Amendment with SpectrumCare Landscape and Irrigation Management, Inc., for landscape maintenance of parks, substantially in the form attached. 2. Approved the Amendment with SpectrumCare Landscape and Irrigation Management, Inc., for landscape maintenance of medians, parkways, and slopes, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

#### DISCUSSION/ACTION ITEMS:

15. SPECIAL EVENTS ORDINANCE submitted by City Attorney. (F: 47.9)

ACTION: Council voted each recommended action independently.

1. On motion by Council Member Dixon and second by Council Member McCullough, the City Council considered whether Section 5.05.040 of the City's Special Events Ordinance should exempt churches from the Ordinance. The City Council amended the Ordinance to remove exemptions to churches. MOTION CARRIED WITH COUNCIL MEMBER RUDOLPH OPPOSED.

2. On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council read, introduced, and approved for first reading of Ordinance No. 200 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTERS 13.04 AND 5.02 OF THE LAKE FOREST MUNICIPAL CODE AND ADDING CHAPTER 5.05 TO THE LAKE FOREST MUNICIPAL CODE RELATING TO SPECIAL EVENTS AND TEMPORARY OUTDOOR PROMOTIONS. MOTION CARRIED WITH COUNCIL MEMBER RUDOLPH OPPOSED.

3. On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council considered the minutes of the City Council meeting of January 6, 2009 and included a continuance of the first reading of Ordinance No. 200. Approved the minutes accordingly. MOTION UNANIMOUSLY CARRIED.

16. ACTIONS REGARDING MEMORANDUM OF UNDERSTANDING FOR THE SERRANO CREEK RESTORATION submitted by Director of Public Works/City Engineer. (F: 60.7A2)

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

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

RECOMMENDED ACTION: Received and filed the report with minute action to adopt positions on various legislative proposals as recommended.

18. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by Acting City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon presented comments.

Council Member McCullough presented comments.

Council Member Rudolph presented comments.

Mayor Pro Tem Herzog presented no comments.

Mayor Tetteimer presented comments.

CONTINUED CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 9:55 p.m.

The City Council adjourned to Tuesday, May 12, 2009, at 6:00 p.m., City Council Chambers, for the purpose of conducting a Special Joint City Council, Planning Commission, and Parks and Recreation Commission Meeting.