

**PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL**

Regular Meeting of the City Council
October 6, 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, 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:

6:00 p.m.

ROLL CALL: Council Members:

Richard T. Dixon
Kathryn McCullough
Marcia Rudolph
Peter Herzog
Mark Tetteimer

Mayor Pro Tem:

Mayor:

City Manager:

City Attorney:

Acting City Clerk:

Robert C. Dunek
Scott C. Smith
Debra Rose

RECESS: City Council recessed at 6:00 p.m. for the purpose of conducting Closed Session business.

- 1. CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957
Agency Designated Representatives: Mayor
Unrepresented Employee: City Manager
- 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, 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(c)

Initiation of Litigation (Hernandez acquisition and nine potential abatement matters)

Number of potential cases: 10

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: PARCEL 1 OF LOT LINE ADJUSTMENT NO. LL-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. LL-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

5. 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

6. 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

7. 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

8. 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. De La Cuesta, et al. (Case No. 00298887)

City of Lake Forrest v. Power of Trinity, et al. (Case No. 00298871)

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

9. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: A portion of County ownership South of Rancho Parkway. That portion of that certain land, in the City of Lake Forest, County of Orange, State of California, shown as Parcel 2 on a map recorded in Book 141, Pages 3 through 5, inclusive, of Parcel Maps, in the Office of the County Recorder of said county, described as follows: Beginning at the most easterly corner of said Parcel 2; thence Southwesterly along the generally southeasterly line of said Parcel the following courses:

1. South 37°31’15” West, 40.39 feet;
2. South 31°07’58” West, 245.33 feet;
3. South 46°07’29” West, 169.40 feet;

4. North 88°34'27" West, 204.27 feet;
5. South 72°30'41" West, 178.18 feet;
6. North 77°25'34" West, 210.06 feet;
7. South 62°23'08" West, 162.94 feet;
8. South 43°51'05" West, 147.26 feet;
9. South 52°59'46" West, 269.88 feet;
10. North 84°26'21" West, 368.01 feet;
11. South 35°38'11" West, 178.95 feet;
12. South 50°58'11" West, 14.00 feet;

Thence leaving said general southeasterly line, North 37°14'49" West, 325.40 feet; thence North 71°31'24" West, 96.40 feet; thence South 84°16'07" West; 230.93 feet; thence North 72°01'10" West, 141.28 feet; thence North 33°02'15" West, 60.32 feet; thence North 14°00'42" West, 78.36 feet; thence North 00°49'42" East, 253.78 feet; thence North 15°23'53" West, 164.91 feet; thence North 64°34'09" West, 44.32 feet; thence South 50°31'04" West, 118.42 feet; thence North 70°42'29" West, 104.71 feet; thence North 52°25'41" East, 89.80 feet; thence North 17°12'01" East, 115.29 feet; thence North 24°02'20" East 217.59 feet; thence North 30°25'26" West, 219.60 feet; thence North 71°16'40" West, 86.93 feet; thence North 86°00'00" West, 119.20 feet; thence South 49°03'01" West, 236.54 feet; thence North 36°56'59" West, 325.18 feet to a point on that certain course shown as having a bearing of North 81°42'06" East, and a length of 543.36 feet in the general northerly line of said Parcel 2, said point being distant South 81°42'06" West, 27.49 feet along said certain course from its easterly terminus; thence in a general easterly direction along said certain course and the general northerly line of said Parcel 2 the following courses:

1. North 81°42'06" East, 27.49 feet;
2. North 81°02'21" East, 467.33 feet;
3. South 15°03'15" West, 89.73 feet;
4. South 74°56'45" East, 625.00 feet;
5. North 15°03'15" East, 350.00 feet;
6. North 74°56'48" West, 44.46 feet;
7. North 80°05'35" East, 928.00 feet; and
8. North 79°09'10" East 407.67 to feet to the most northerly corner of said Parcel 2;

Thence South 36°09'29" East, 1319.54 feet along said northeasterly line of

said Parcel 2 to the Point of Beginning.

EXCEPT that portion lying easterly and southerly of the generally westerly line of Tract No. 15925, as per map filed in Book 804, Pages 41 through 43, inclusive of Miscellaneous Maps, Records of said County.

ALSO EXCEPT there from that portion lying southwesterly of the common line between Rancho Canada de Los Alisos and Rancho Trabuco as it traverses this property.

ALSO EXCEPT there from that portion lying southwesterly of the following described line:

Beginning at a point on Course 11 described above, distant thereon North 35°38'11" East, 20.00 feet from the southwesterly terminus of said line; thence northwesterly to a point on that certain course described above as having a bearing and length of "North 37°14'49" West, 325.40 feet", said point being distant North 37°14'49" West, 130.00 feet from the southeasterly terminus thereof.

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 at 7:04 p.m. from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:10 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:10 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 action from Closed Session.

PRESENTATIONS:

No items were scheduled for Presentations.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

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

RECESS: City Council recessed at 7:13 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:23 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

1. Remaining Comments from Adjourned Meeting of September 15, 2009.

The following member of the public offered comments: David James.

2. Comments for Tonight's City Council Meeting.

The following members of the public offered comments: Marla James, Albert Maraz, Josue Lopez, Bryan B. Jordan, Michele Miller, Dan Josipovich, Matthew Miller, Michael Zaragoza, Margo Allen Finlayson, and Felix Schwarz.

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

10. **WARRANT REGISTER** submitted by Director of Finance/City Treasurer in the amount of \$2,025,570.16. (F: 30.11)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council approved the warrants payable as submitted. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11-22)

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

12. QUARTERLY REPORT ON COMMISSION ATTENDANCE submitted by Acting City Clerk. (F: 23.4)

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

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

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. 2009 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM submitted by Chief of Police Services. (F: 32.21)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council authorized the City Manager to accept the Agreement to Transfer Funds for the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program. MOTION UNANIMOUSLY CARRIED.

15. ENERGY EFFICIENCY AND CONSERVATION STRATEGY submitted by Assistant City Manager. (F: 72.4E1)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council authorized staff to finalize the Energy Efficiency Conservation Strategy ("EECS") to complete the City's Energy Efficiency and Conservation Block Grant ("EECBG") funding application. MOTION UNANIMOUSLY CARRIED.

16. AWARD OF CONTRACT FOR DESIGN SERVICES - CONCOURSE AND MOUNTAIN VIEW PARKS IMPROVEMENTS AND SHADE STRUCTURE PROGRAM submitted by Director of Community Services. (F: 34.3)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the agreement with RHA Landscape Architects-Planners, Inc. for Design Services for Concourse and Mountain View Parks Improvements and Shade Structure Program. 2. Authorized the Mayor to execute, and the City Clerk to attest, the agreement with RHA Landscape Architects-Planners, Inc. MOTION UNANIMOUSLY CARRIED.

17. SIX-MONTH NOTICE OF CONTRACT EXPIRATION FOR PUBLIC PROPERTY AND FACILITY LIGHTING MAINTENANCE AND REPAIR SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F5)

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

18. FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES FOR TRAFFIC SIGNAL PREEMPTION (PW 2007.19) submitted by Director of Public Works/City Engineer. (F: 66.9 PW 2007.19)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the First Amendment to the agreement with DKS Associates for professional services for the Traffic Signal Preemption Project, substantially in the form attached.

2. Authorized the Mayor to sign the First Amendment with DKS Associates for the additional services. MOTION UNANIMOUSLY CARRIED.

19. PROGRAM SUPPLEMENT FOR AMERICAN RECOVERY AND REINVESTMENT ACT PROGRAM FUNDS submitted by Director of Public Works/City Engineer. (F: 73.7H3)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council adopted Resolution No. 2009-31 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, TO APPROVE PROGRAM SUPPLEMENT NO. N011 TO THE ADMINISTERING AGENCY-STATE AGREEMENT NO. 12-5469R, AUTHORIZING THE CITY OF LAKE FOREST TO RECEIVE AMERICAN RECOVERY AND REINVESTMENT ACT PROGRAM FUNDS AND THE CITY MANAGER TO EXECUTE THE PROGRAM SUPPLEMENT. MOTION UNANIMOUSLY CARRIED.

20. NOTICE OF COMPLETION FOR THE ASPHALT REHABILITATION PROJECT ON VARIOUS CITY STREETS (PW 2007.17C) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17C)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Found that RJ Noble, of Orange, California, has completed construction of the Asphalt Rehabilitation Project on Various City Streets (PW 2007.17C). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the Acting 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 \$309,599.68, 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 UNANIMOUSLY CARRIED.

21. AWARD VARIOUS CONTRACTS FOR SPORTS PARK submitted by Director of Public Works/City Engineer.

- A. PROFESSIONAL SERVICES AGREEMENT FOR SPORTS PARK SURVEYING AND MAPPING (PW 2009.01S) submitted by Director of Public Works/City Engineer. (F: 50.11E PW 2009.01S)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the selection of Mayers & Associates Civil Engineering, Inc., for professional services for the survey and mapping of the Sports Park. 2. Requested staff to revise the agreement with Mayers & Associates, and return it to Council for approval. MOTION UNANIMOUSLY CARRIED.

- B. AWARD OF CONTRACT FOR SPORTS PARK GRADING AND DRAINAGE DESIGN SERVICES (PW2009.1GD) submitted by Director of Public Works/City Engineer. (F: 50.11E PW 2009.1GD)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the selection of Psomas for professional services for the Sports Park Grading and Drainage Design Services (PW 2009.1GD). 2. Requested staff to revise the agreement with Psomas, and return it to Council for approval. MOTION UNANIMOUSLY CARRIED.

22. RESOLUTION AMENDING THE CIVIL PENALTY SCHEDULE FOR PARKING VIOLATIONS OCCURRING WITHIN THE CITY OF LAKE FOREST submitted by City Attorney. (F: 53.3B8)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council adopted Resolution No. 2009-32 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE CIVIL PENALTY SCHEDULE FOR PARKING VIOLATIONS OCCURRING WITHIN THE CITY OF LAKE FOREST. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

23. APPROPRIATION OF CITIZENS OPTIONS FOR PUBLIC SAFETY (COPS) FUNDS FOR FY 2009-10 (AB 3229-BRULTE) submitted by Chief of Police Services. (F: 32.4)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Conducted the public

hearing as required by law. 2. Approved the use of AB 3229 funds for the costs associated with one sergeant position. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

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

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council received and filed the report with minute action to adopt positions on various legislative proposals as recommended. MOTION UNANIMOUSLY CARRIED.

25. 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.

CONTINUED PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Lonnie Painter, Norman Lepoff, Ms. Ryan Bates, Ken Bailey, Brian Goldstock, and Diane Casey.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek offered 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 no comments.

Mayor Tettermer offered no comments.

CONTINUED CLOSED SESSION: (F: 16.3)

There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 9:05 p.m.