

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
February 16, 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 Tetteimer
	Mayor Pro Tem:	Richard T. Dixon (Absent)
	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.

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

3. 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

4. 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

5. 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)

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

7. 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)

8. 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 7:05 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:13 p.m. with all Members present except Mayor Pro Tem Dixon to continue regular City business.

PUBLIC SESSION

7:13 p.m.

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

CLOSED SESSION REPORT: (F: 16.3)

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

PRESENTATIONS:

9. RECOGNITION OF DEPUTY SHERIFF DALLAS HENNESSEY, LAKE FOREST POLICE SERVICES 2009 DEPUTY OF THE YEAR submitted by Chief of Police Services. (F: 48.8G) (X: 55.5)

ACTION: Approved and presented Lake Forest Police Services 2009 Deputy of the Year Award to Deputy Sheriff Dallas Hennessey.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

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

RECESS: City Council recessed at 7:25 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:28 p.m. with all Members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

PUBLIC COMMENTS:

The public offered no comments.

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

10. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$790,853.75. (F:30.11)

ACTION: On motion by Council Member Tettemer and second by Council Member Rudolph, the City Council approved the Warrant Register as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

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

ACTION: On motion by Council Member Tettermer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos.\*11-14, & 17 as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

- \*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.

ACTION: Waived reading of Ordinances and Resolutions.

- \*12. MINUTES OF THE REGULAR MEETINGS OF THE CITY COUNCIL HELD ON DECEMBER 1, AND DECEMBER 15, 2009, submitted by City Clerk.

ACTION: Approved as submitted.

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

ACTION: Received and filed the Report.

- \*14. AUDIT REPORTS - YEAR ENDED JUNE 30, 2009, submitted by Director of Finance/City Treasurer. (F: 30.2)

ACTION: Received and filed the Reports.

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

ACTION: 1. Approved the Second Amendment to Agreement for Consultant Services for Lake Forest Transportation Mitigation (LFTM) project concept development services with Austin-Foust Associates, Inc., substantially in the form attached. 2. Authorized the Mayor to sign the Second Amendment to Agreement for Consultant Services with Austin-Foust Associates, Inc.

PULLED CONSENT CALENDAR ITEMS:

15. CONSTRUCTION CHANGE ORDER #1 AND NOTICE OF COMPLETION FOR THE TRABUCO ROAD STREET RESURFACING PROJECT (PW 2007.17D.2) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17D2)

Mayor Herzog pulled this item for separate consideration.

**ACTION:** On motion by Mayor Herzog and second by Council Member Tettermer, the City Council: 1. Authorized the City Manager to approve Contract Change Order #1 with Hardy and Harper, Inc., for the Trabuco Road Resurfacing Project. (PW 2007.17D.2). 2. Found that Hardy and Harper, of Santa Ana, California, has completed construction of the Trabuco Road Resurfacing Project (PW 2007.17D.2). 3. Approved the Notice of Completion and authorize the Mayor to execute the document on behalf of the City. 4. 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. 5. Authorized payment to the contractor of the ten percent retention, in the amount of \$57,292.75, 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 with Mayor Pro Tem Dixon absent.

16. NOTICE OF COMPLETION FOR SLURRY SEAL OF VARIOUS CITY STREETS (PW 2007.17E) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17E)

Council Member Tettermer pulled this item for separate consideration.

**ACTION:** On motion by Council Member McCullough and second by Council Member Rudolph, the City Council: 1. Found that Copp and Martin Contracting of La Habra, California, has completed the construction of the Slurry Seal of Various City Streets Project (PW 2007.17E). 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 the ten percent retention payment in the amount of \$24,269.26, to the contractor 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 with Mayor Pro Tem Dixon absent and Council Member Tettermer abstaining.

18. NOTIFICATION TO ORANGE COUNTY AUDITOR-CONTROLLER REGARDING SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND (SERAF) PAYMENT submitted by Assistant City Manager. (F: 71.21)

Council Member Rudolph pulled this item for separate consideration.

**ACTION:** On motion by Council Member Tettermer and second by Council Member McCullough, the City Council, pursuant to the provisions of Assembly Bill X4-26 (ABX4-26), authorized the City Manager to inform the Orange County Auditor-Controller's Office of the Redevelopment Agency's proposed source of funds, should the Agency be required to remit its Fiscal Year 2009-2010 Special Educational Revenue Augmentation Fund ("SERAF"). MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

#### PUBLIC HEARING(S):

19. AMENDMENT TO CHAPTER 9.164 (SIGN CODE) OF THE LAKE FOREST MUNICIPAL CODE submitted by the Director of Development Services, continued from the January 5, 2010 Regular Meeting. (F: 50.3I)

**ACTION:** On motion by Council Member McCullough and second by Council Member Rudolph, the City Council continued the Public Hearing to the regular meeting of March 16, 2010 at 7:00 p.m. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

#### DISCUSSION/ACTION ITEMS:

20. MID-YEAR BUDGET REVIEW submitted by Director of Finance/City Treasurer. (F: 30.9)

**ACTION:** On motion by Council Member Tettermer and second by Council Member Rudolph, the City Council: 1. Adopted Resolution No. 2010-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2009-10. 2. Approved the restatement of

beginning balances as noted in the section "Restatement of Beginning Balances." 3. Approved adjustments to estimated revenues as noted in section "Proposed Adjustments to Fiscal Year 2009-10 Estimated Revenues." 4. Approved adjustments to interfund transfers as noted in section "Proposed Adjustments to Fiscal Year 2009-10 Interfund Transfers." MOTION CARRIED UNANIMOUSLY with Mayor Pro Tem Dixon absent.

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

ACTION: Received and filed report.

22. 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 offered comments.

Council Member Rudolph offered comments.

Council Member Tettemer offered comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

#### CONTINUED CLOSED SESSION:

There was no Continued Closed Session.

ADJOURNMENT: 9:13 p.m.