

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
April 20, 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: 5:30 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) 5:30 p.m.

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. (Case No. 30-2009 00298887)

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Number of Cases: 1

City of Lake Forest adv. Marla James et al. (Case No. SACV 10-00402 AG(MLGx))

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

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: APN: 612-022-10
Agency negotiators: City Manager and City Attorney
Negotiating parties: Property Owner of Record
Under Negotiation: Price and Terms of Payment

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)

Title: City Attorney

ACTION: Conducted Closed Session.

RECESS: City Council recessed from Closed Session at 7:03 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened with all members present at 7:08 p.m. 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:

9. CERTIFICATE OF RECOGNITION FOR EL TORO WATER DISTRICT 50 YEARS OF SERVICE submitted by City Clerk. (F: 55.5)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Dixon, the Certificate was approved as submitted. MOTION UNANIMOUSLY CARRIED.

10. PROCLAMATION DESIGNATING MAY 16-22, 2010, AS "NATIONAL PUBLIC WORKS WEEK" submitted by Director of Public Works/City Engineer. (F: 55.2)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Dixon, the City Council approved a proclamation designating the week of May 16-22, 2010, as National Public Works Week in the City of Lake Forest.

11. PROCLAMATION DESIGNATING APRIL 18-24, 2010 AS "NATIONAL CRIME VICTIMS' RIGHTS WEEK" submitted by City Clerk. (F: 55.2)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Dixon, the City Council approved a proclamation designating April 18-24, 2010, as National Crime Victims' Week.

12. RECOGNITION OF BEVERLY PAPLIA, 2010 OUTSTANDING SCHOOL CROSSING GUARD OF THE YEAR submitted by Chief of Police Services. (F: 55.5)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Dixon, the City Council presented the 2010 Outstanding School Crossing Guard of the Year award to Beverly Paplia.

13. RECOGNITION OF DEPUTY DALLAS HENNESSEY, 2010 ORANGE COUNTY SHERIFF'S DEPARTMENT MEDAL OF COURAGE WINNER submitted by Chief of Police Services. (F: 55.5)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Dixon, the City Council presented a Certificate of Recognition to the 2010 Orange County Sheriff's Department Medal of Courage winner, Deputy Dallas Hennessey.

REPORT FROM STUDENT LIAISON:

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

RECESS: City Council recessed at 7:18 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:25 p.m. with all members present to continue regular City business.

PUBLIC COMMENTS:

Margie Matsil, Lake Forest Chamber of Commerce, presented comments.

CONSENT CALENDAR - WARRANT REGISTER: (Item No.14)

14. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,044,092.75. (F: 30.11)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Dixon, the warrant register was approved as submitted.
MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR – MISCELLANEOUS: (Item Nos. 15-23)

ACTION: On motion by Mayor Pro Tem Dixon and second by Council Member Tettermer, the City Council approved Consent Calendar Item Nos. *15-17, 22 & 23 as submitted. MOTION UNANIMOUSLY CARRIED.

- *15. 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 City Clerk.

ACTION: Waived reading of Ordinances and Resolutions.

- *16. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MARCH 16, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- *17. QUARTERLY REPORT ON COMMISSION ATTENDANCE - FIRST QUARTER 2010 submitted by City Clerk. (F: 23.4)

ACTION: Approved Commission absences as excused.

- *22. FIRST AMENDMENT TO THE AGREEMENT FOR TEEN TRANSPORTATION SERVICES submitted by Director of Community Services. (F: 25.2D1)

ACTION: 1. Approved an amendment to the agreement with JFK Transportation Company, Inc. 2. Authorized the Mayor to sign the First Amendment.

- *23. JOINT FUNDING AGREEMENT BETWEEN THE CITY AND AGENCY FOR CONTRACT SERVICES WITH THE LAKE FOREST CHAMBER OF COMMERCE submitted by Assistant City Manager. (F: 42.3)

ACTION: Approved a Joint Funding Agreement between the City and Lake Forest Redevelopment Agency (Agency) for joint funding of services and events provided by the Lake Forest Chamber of Commerce.

PULLED CONSENT CALENDAR ITEMS:

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

Council Member Rudolph pulled this item for separate consideration.

ACTION: On motion by Council Member Rudolph and second by Council Member Tettermer, the City Council received and filed the Treasurer's Report. MOTION UNANIMOUSLY CARRIED.

19. CONTRACT AWARD FOR THE HEROES PARK SNACK BAR AND RESTROOM PROJECT (PW 2007.21) submitted by Director of Public Works/City Engineer. (F: 34.3D PW 2007.21)

Council Member Tettermer pulled this item for separate consideration:

ACTION: On motion by Council Member Tettermer and second by Mayor Pro Tem Dixon, the City Council: 1. Waived the minor bid irregularity of a substitute reference submittal form and award a contract in the amount of \$582,195 to Hondo Company, Inc., of Santa Ana, California, for construction of the Heroes Park Snack Bar and Restroom Project (PW 2007.21). 2. Upon receipt of the executed contract documents from Hondo Company, Inc., rejected all other bids received and authorized return of the Bid Bonds. 3. Authorized the Mayor to sign, and City Clerk to attest the contract with Hondo Company, Inc., substantially in the form attached. 4. Authorized the reallocation of excess funds from the City's Five-Year Strategic Business Plan for Park and Playground Renovations to supplement the project budget. 5. Authorized the City Manager to approve contract change orders up to a maximum ten percent (10%) of the contract amount. MOTION UNANIMOUSLY CARRIED.

20. AGREEMENT WITH THE COUNTY OF ORANGE TO FUND ALTON PARKWAY DESIGN SERVICES submitted by Director of Public Works/City Engineer. (F: 66.12)

Council Member Tettermer pulled this item for separate consideration:

ACTION: On motion by Council Member Tettermer and second by Council Member McCullough, the City Council: 1. Approved Agreement No. D10-006, substantially in the form attached, with the County of Orange to fund Alton Parkway design services from Commercentre Drive to Towne Centre Drive. 2. Authorized the Mayor to execute Agreement No. D10-006 with the County of Orange. MOTION UNANIMOUSLY CARRIED.

21. CONTRACT AWARD FOR CONTRACT ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F2)

Council Member Tettemer pulled this item for separate consideration:

ACTION: On motion by Council Member Tettemer and second by Council Member McCullough, the City Council: 1. Awarded a contract in the amount of \$732,336 to RBF Consulting of Irvine, California, for on-call contract administration and construction inspection services. 2. Authorized the Mayor to sign, and City Clerk to attest, the contract with RBF substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

24. ZONE CHANGE 2009-01, AMENDMENT TO CHAPTER 9.164 (SIGN CODE) OF THE LAKE FOREST MUNICIPAL CODE submitted by the Director of Development Services. (F: 50.3I)

ACTION: On motion by Council Member McCullough and second by Council Member Tettemer, the City Council: Continued this item to the regularly-scheduled City Council meeting on May 18, 2010 to allow staff and the City Attorney's office additional time to review and clarify the draft language within the proposed amended Sign Code. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

25. AMENDED AND RESTATED AGREEMENT WITH THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT FOR THE 2010/11 FISCAL YEAR submitted by the Director of Community Services. (F: 48.8I1)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the Amended and Restated Recreation and Community Services Programs Agreement by and between the City of Lake Forest and the Saddleback Valley Unified School District for the period of July 1, 2010 - June 30, 2011 and authorized the Mayor to execute the Agreement. MOTION UNANIMOUSLY CARRIED.

26. ANAHEIM PURCHASE INCENTIVE PROGRAM submitted by the Assistant to the City Manager. (F: 30.17)

ACTION: The City Council took no action.

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

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

28. 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: (F: 26.9)

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Dixon offered comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no Continued Closed Session.

ADJOURNMENT: 8:37 p.m.