

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
August 3, 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 (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.

The City Council unanimously added (4-0-1 Dixon 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 August 17, 2010.

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

1. 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)

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 adv. Marla James, et al. (Case No. SACV 10-00402
AG(MLGx)

3. 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)

4. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representatives: City Manager
Unrepresented Employees: All City Employees

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APN: 104-143-25 and 104-143-27
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
Initiation of litigation pursuant to Government Code Section 54956.9(c)
Number of Potential Cases: 1

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

9. 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 6:57 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:04 p.m. with all members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

PUBLIC SESSION 7:00 p.m.

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

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

PRESENTATIONS:

There were no items scheduled for Presentation.

RECESS: City Council recessed at 7:05 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:06 p.m. with all members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the Public offered comments:

Mark Hermanson, Lake Forest resident
Steve Lemler, Orange County 2-1-1 program
Adam Nick, Lake Forest resident
Stephen Berger, Attorney, Irvine
Bob Holtzclaw, Lake Forest resident
Mike James, Assistant Sheriff of Orange County

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

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

ACTION: On motion by Council Member Tettemer, second by Council Member McCullough, the City Council approved the warrant register in the amount of \$891,780.31 as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11 - 15)

ACTION: On motion by Council Member Tettemer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. *11-13 and *15. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent

- *11. 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.

- *12. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 6, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- *13. CONTRACT AWARD FOR BUS SHELTER AND BUS BENCH MAINTENANCE SERVICES submitted by Director of Public Works / City Engineer. (F: 11.4E3)

ACTION: 1. Awarded a one-year contract for bus bench and bus shelter maintenance services to ShelterCLEAN, Inc., of Sun Valley, California,

substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the contract documents.

- *15. CONTRACT AWARD 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: 1. Awarded a contract in the amount of \$857,857 to All American Asphalt of Corona, California, for construction of the Street Resurfacing Project on Various Streets (PW 2009.08A).
2. Upon receipt of the executed contract documents from All American Asphalt, 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 All American Asphalt, 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.

PULLED CONSENT CALENDAR ITEMS:

Council Member Rudolph pulled the following item for separate consideration:

14. FIRST AMENDMENT TO AGREEMENT FOR PARK RESTROOM JANITORIAL SERVICES submitted by Director of Public Works / City Engineer. (F: 48.8F3)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council: 1. Approved the First Amendment to Agreement for Park Restroom Janitorial Services with Team One Management, substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement amendment.
MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

PUBLIC HEARING(S):

16. ANNUAL REVIEW OF OPPORTUNITIES STUDY AREA DEVELOPMENT AGREEMENTS submitted by Assistant to the City Manager. (F: 50.11B3, 50.11B5, 50.11B6, 50.11B7)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council: 1. Conducted the annual review of development agreements between the City and the following parties: 1) USA Portola Properties, LLC, and Rancho Portola Investments, LLC ("Portola"); 2) Madison Investors, LP and the Heers Family Trust

("Madison"); and 3) Whisler Ranch, LLC ("Whisler"). 2. Found that Portola, Madison, and Whisler are each in good faith compliance with their respective development agreements. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

Council Member Tetterer disclosed an economic interest in the following item, recused himself and left the dais.

ACTION: On motion by Council Member McCullough, second by Mayor Herzog, the City Council: 1. Conducted the annual review of development agreement between the City and Irvine Ranch Water District ("IRWD"). 2. Found that IRWD is in good faith compliance with its development agreement. MOTION CARRIED with Council Member Tetterer abstaining and Mayor Pro Tem Dixon absent.

DISCUSSION/ACTION ITEMS:

17. REVIEW OF PURCHASING AND CONTRACT GUIDELINES 2010 submitted by Deputy City Manager / Director of Management Services. (F: 51.2A19)

ACTION: The City Council reviewed, revised, and provided other direction to finalize the Proposed Purchasing and Contract Guidelines 2010.

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

ACTION: Received and filed report with direction to prepare a Resolution in support of Proposition 22 for consideration at the August 17, 2010 City Council Meeting.

19. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES submitted by City Clerk.

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 Tetteimer offered no comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no Continued Closed Session.

ADJOURNMENT: 8:32 p.m.