

**PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL**

Regular Meeting of the City Council
February 19, 2008

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 <u>NOT</u> 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:

6:05 p.m.

ROLL CALL: Council Members:

Richard T. Dixon (Absent Closed Session)

Kathryn McCullough

Marcia Rudolph

Mayor Pro Tem:

Peter Herzog

Mayor:

Mark Tetterer

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

City Clerk:

Sherry A.F. Wentz

Mayor Tetterer requested the City Council consider adding to this evening's agenda consideration a Closed Session item regarding consideration of initiation of litigation – one (1) case, as it came to the attention of City Council after the posting of the agenda and requires the City Council take action prior to the next regular City Council meeting.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council added consideration of a Closed Session item regarding consideration of initiation of litigation – one (1) case to tonight's agenda, as it came to the attention of the City Council after the posting of the agenda and requires the City Council take action prior to its next regular City Council meeting.
MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

RECESS: City Council recessed at 6:07 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION (F: 16.3)

6:07 p.m.

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957: City Attorney.
2. CONFERENCE WITH LABOR NEGOTIATOR: Robert Dunek, City Manager, pursuant to Government Code Section 54957.6
Title: Part Time Employees.
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (4 properties: A - D)
City Negotiators: City Manager and City Attorney
Property Negotiators: Property Owners on Record
Under Negotiation: Price and Terms of Payment
 - A. Property: Approximately 13.2 acres on APN 612-022-10
 - B. Property: 20 acres located on APN 104-143-25 and 104-143-27, located at Rocky Road, west of Portola Parkway, south of Foothill Transportation Corridor, Lake Forest, CA
 - C. Property: 7 acres located on APN 104-132-36, 104-132-65, located at 20996 Marin, Lake Forest, CA
 - D. 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 therefrom that portion lying southwesterly of the common line between Rancho Canada de Los Alisos and Rancho Trabuco as it traverses this property.

ALSO EXCEPT therefrom 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.

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:55 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:03 p.m. with all Members present to continue regular City business.

PUBLIC SESSION: 7:03 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Mayor Tetteimer 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:

1. REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS submitted by City Clerk. (F: 55.5)
 - A. CERTIFICATE OF RECOGNITION TO BRIANNA BOND FOR HER ATHLETIC/ACADEMIC ACCOMPLISHMENTS AND EXTENDS ITS APPRECIATION FOR HER CHARITABLE CONTRIBUTIONS TO THE COMMUNITY

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved request as submitted.
2. Made presentation to those present. **MOTION UNANIMOUSLY CARRIED.**

2. INTRODUCTION OF NEW EMPLOYEE – PUBLIC SAFETY MANAGER submitted by Chief of Police Services. (F: 48.8G)

ACTION: Received introduction of Public Safety Manager Jim Wren.

3. INTRODUCTION OF NEW EMPLOYEE – ASSISTANT CITY CLERK submitted by City Clerk. (F: 48.8C)

ACTION: Received introduction of Assistant City Clerk Martha Halvorson.

4. INTRODUCTION OF NEW EMPLOYEE – SENIOR OFFICE SPECIALIST PUBLIC WORKS DEPARTMENT submitted by Director of Public Works/City Engineer. (F: 48.8F)

ACTION: Received introduction of Senior Office Specialist Cheryl Thayer.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Brittney Slack, 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 7:14 p.m. with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Bob Holtzclaw, Terri Graham, Dr. James Gardner, Ashlee Simon, Chloe Malone, Trent Grabowski, and Melora Kloeckner.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 5)

5. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$854,128.17. (F: 30.11)

Council Member Rudolph pulled the warrant payable to Meyerhofs & Cuisine for purposes of clarification.

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

ACTION: On motion by Council Member Rudolph and second by Council Member Herzog, the City Council approved the warrant payable to Meyerhofs & Cuisine. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6-20) (Item No. 9 was pulled from the Consent Calendar for separate consideration.)

6. 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: 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.

7. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON JANUARY 15, 2008, submitted by City Clerk.

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council approved the Minutes of the regular City Council meeting held on January 15, 2008, as submitted. **MOTION UNANIMOUSLY CARRIED.**

8. ADOPTION OF ORDINANCE NO. 183 submitted by City Clerk.
(F: 50.7A1)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Conducted second reading of Ordinance No. 183 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AND ADOPTING ZONE CHANGE 2006-03 TO AMEND THE EL TORO REDEVELOPMENT PROJECT AREA DESIGN GUIDELINES. 2. Adopted Ordinance No. 183 as submitted. **MOTION UNANIMOUSLY CARRIED.**

9. ADOPTION OF ORDINANCE NO. 184 submitted by City Clerk.
(F: 51.2A29)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Conducted second reading of Ordinance No. 184 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 13.24 AND AMENDING SECTION 14.40.010 OF THE LAKE FOREST MUNICIPAL CODE REGARDING THE NAMING OF CITY OWNED PROPERTY AND STREETS. 2. Adopted Ordinance No. 184 as submitted. **MOTION CARRIED WITH COUNCIL MEMBER RUDOLPH OPPOSING.**

- 10. EVERY 15 MINUTES PROGRAM submitted by Chief of Police Services. (F: 53.3B) (X: 64.7)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved participation in the program and authorized staff to work with the Every 15 Minutes staff to plan and implement the program. 2. Waived all permit and processing fees connected with the program. 3. Authorized Public Works to close Toledo Road between Ridge Route and Killy Street. 4. Authorized expenditure of \$2,500 to sponsor the Assembly portion of Every 15 Minutes program. MOTION UNANIMOUSLY CARRIED.

- 11. MONTHLY TREASURER’S REPORT submitted by Director of Finance/City Treasurer. (F: 30.12)

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.

- 12. BROKER-DEALER LIST FOR INVESTMENT TRANSACTIONS submitted by Director of Finance/City Treasurer. (F: 30.10B)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council approved the new broker-dealer list as broker-dealers authorized to purchase and sell investments at the City’s direction pursuant to the City’s Investment Policy. MOTION UNANIMOUSLY CARRIED.

- 13. SALES AND PROPERTY TAX AUDIT AND REPORTING SERVICES REQUEST FOR PROPOSAL submitted by Director of Finance/City Treasurer. (F: 30.17C1)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council authorized staff to issue a Request for Proposal for sales tax and property tax audit and reporting services. MOTION UNANIMOUSLY CARRIED.

14. AUTHORIZATION OF MOU WITH THE WHISLER FAMILY FOR PHASE 3 OF THE OPPORTUNITIES STUDY submitted by Director of Development Services. (F: 50.11B7)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council authorized the Mayor to sign the Memorandum of Understanding (MOU) with Steven E. Whisler, Irene Whisler, and Trena Berrier for Phase 3 of the Opportunities Study. MOTION UNANIMOUSLY CARRIED.

15. SIXTH AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH AUSTIN FOUST ASSOCIATES submitted by Director of Development Services. (F: 50.11)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved Sixth Amendment for Traffic Analysis Services for Phase 3 of the Opportunities Study with Austin Foust Associates, substantially in the form attached. 2. Authorized the Mayor to sign the Sixth Amendment with Austin Foust Associates. MOTION UNANIMOUSLY CARRIED.

16. SIX-MONTH NOTICE OF BUS SHELTER MAINTENANCE CONTRACT EXPIRATION submitted by Director of Public Works/City Engineer. (F: 11.4E3)

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

17. NOTICE OF CONTRACT EXPIRATION: MEDIANS, PARKWAYS, AND SLOPES LANDSCAPE MAINTENANCE submitted by Director of Public Works/City Engineer. (F: 34.2A)

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

18. NOTICE OF CONTRACT EXPIRATION: PARK LANDSCAPE MAINTENANCE submitted by Director of Public Works/City Engineer. (F: 34.3A)

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

19. AMENDMENT TO THE 2007-09 CAPITAL IMPROVEMENT PROJECTS BUDGET TO CREATE ASPHALT REHABILITATION PROJECT (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. Approved Resolution 2008-04 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2007-09. 2. Approved increased estimated Proposition 1B grant revenues of \$1,258,485. MOTION UNANIMOUSLY CARRIED.

20. STATUS OF COMPLIANCE WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMITS SECOND QUARTER FY 2007-2008 submitted by Director of Public Works/City Engineer. (F: 69.13C)

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

DISCUSSION/ACTION ITEMS:

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

ACTION: The City Council received and filed report with minute action to adopt positions on various legislative proposals as recommended.

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: (F: 26.17)

City Manager Dunek offered 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 comments.

Mayor Tetteimer presented comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 8:07 p.m.