

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
June 16, 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 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:

6:03 p.m.

ROLL CALL: Council Members:

Richard T. Dixon
Kathryn McCullough
Marcia Rudolph

Mayor Pro Tem:

Peter Herzog

Mayor:

Mark Tetterer

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

Acting City Clerk:

Debra Rose

CLOSED SESSION

6:03 p.m.

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(c)
Initiation of Litigation
Number of potential cases: Three
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
Significant Exposure to Litigation
Number of potential cases: One

3. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957
Agency Designated Representatives: City Manager
Unrepresented Employees: Miscellaneous

4. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957
Agency Designated Representative: Mayor
Unrepresented Employee: City Manager

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:08 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:16 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:16 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

The Pledge of Allegiance to the Flag of our Country was led by Council Member McCullough.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith reported on actions from Closed Session.

PRESENTATIONS:

5. CONSERVATION WATER RATE STRUCTURE submitted by Director of Management Services. (F: 55.1) (X: 69.5)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council received the Irvine Ranch Water District presentation from General Manager, Paul Jones. MOTION UNANIMOUSLY CARRIED.

6. NEW EMPLOYEE INTRODUCTION - MANAGEMENT ANALYST submitted by Director of Management Services. (F: 48.8) (X: 48.8D)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the request as submitted. 2. Introduced Hannah Shin-Heydorn as the new Management Analyst in the Management Services Department. MOTION UNANIMOUSLY CARRIED.

RECESS: City Council recessed at 7:42 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 10:40 p.m., with Members present to continue regular City business.

PUBLIC COMMENTS:

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 7)

7. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,162,527.57. (F: 30.11)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council approved the warrant register as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 8-18)

8. 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 Council Member McCullough, the City Council waived the reading of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

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

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council received and filed the report as submitted. MOTION UNANIMOUSLY CARRIED.

10. CONSULTANT AGREEMENT FOR INVESTMENT OVERSIGHT REVIEWER SERVICES submitted by Director of Finance/City Treasurer. (F: 30.10A1)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council approved the second amendment to the consultant agreement with Macias Gini & O'Connell (formerly Moreland & Associates, Inc.), for investment oversight reviewer services. MOTION UNANIMOUSLY CARRIED.

11. ARTICLE XIII B APPROPRIATIONS LIMIT submitted by Director of Finance/City Treasurer. (F: 30.9A)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council adopted Resolution No. 2009-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-2010 in the amount of \$85,287,836. MOTION UNANIMOUSLY CARRIED.

12. LOAN FROM CITY TO REDEVELOPMENT AGENCY submitted by Director of Finance/City Treasurer. (F: 30.14)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council adopted Resolution No. 2009-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, EXTENDING THE REPAYMENT DATE ON THE LOAN OF CERTAIN FUNDS TO THE LAKE FOREST REDEVELOPMENT AGENCY. MOTION UNANIMOUSLY CARRIED.

13. CELEBRATION ROAD CLOSURES AND RELATED ACTIVITIES - JULY 4, 2009 submitted by Director of Community Services. (F 64.7) (X:63.2)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Approved road closures of race and parade route from 5:00 A.M. - 1:00 P.M. on July 4, 2009. 2. Directed Public Works to provide required traffic control devices and crews for road closures. 3. Directed Police Services to staff road closures and patrol events. 4. Approved street sweeping of route before race and after parade. MOTION UNANIMOUSLY CARRIED.

14. 2009-10 RENEWAL AGREEMENT FOR LAW ENFORCEMENT SERVICES submitted by Chief of Police Services. (F: 71.17G)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved and authorized the Mayor to sign the agreement with the County of Orange for Law Enforcement Services for Fiscal Year 2009-10. MOTION UNANIMOUSLY CARRIED.

15. NOTICE OF COMPLETION FOR ADA WHEELCHAIR ACCESS RAMP IMPROVEMENTS (PW 2007.09) submitted by Director of Public Works/City Engineer. (F: 61.3A PW 2007.09)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Found that Unique Performance Construction, Inc., of Costa Mesa, California, has completed the construction of ADA Wheelchair Access Ramp Improvements Project (PW 2007.09). 2. Approved the Notice of Completion and authorized 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 3090 of the California Civil Code. 4. Authorized payment to the contractor of the ten percent retention, in the amount of \$19,133.59, 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.

16. APPROVAL OF QUALIFICATIONS FOR PUBLIC WORKS "CONSULTANT TEAM" FIRMS submitted by Director of Public Works/City Engineer. (F: 48.8F7)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council approved the consultants identified in the 2009 "Consultant Team" Consultant Rankings List as those firms pre-qualified to provide design and contract administration and construction inspection to the City of Lake Forest. MOTION UNANIMOUSLY CARRIED.

17. APPROVE WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE submitted by Director of Public Works/City Engineer. (F: 11.4B5)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Approved the Waste Disposal Agreement with the County of Orange, substantially in the form attached. 2. Approved the Franchise Hauler Acknowledgement with Waste Management of Orange County. 3. Authorized the Mayor to sign the Waste Disposal Agreement, the City Clerk to attest, and transmit to the County of Orange for final approval. MOTION UNANIMOUSLY CARRIED.

18. NOTICE OF COMPLETION FOR PLAYGROUND EQUIPMENT REPLACEMENT PROJECT (PW 2007.22C) submitted by Director of Public Works/City Engineer. (F: 34.3B PW 2007.22C)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Found that Micon Construction, of Placentia, California has completed construction of the Playground Equipment Replacement Project (PW 2007.22C). 2. Approved the Notice of Completion and authorized 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 payment to the contractor of the ten percent retention, in the amount of \$65,110.70, 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.

PUBLIC HEARING(S):

19. **ADOPTION OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF A FEE INTEREST IN CERTAIN REAL PROPERTY, LOCATED IN ORANGE COUNTY, CALIFORNIA, BY EMINENT DOMAIN, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NUMBER 606-161-10, FOR OPEN SPACE AND PUBLIC PARK PURPOSES, IN LAKE FOREST, ORANGE COUNTY, CALIFORNIA** submitted by City Attorney (F: 50.11)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council: 1. Conducted a Hearing to Consider the Adoption of a Resolution of Necessity, including providing all parties interested in the affected property and their attorneys, or their representatives, an opportunity to be heard on the issues relevant to the Resolution of Necessity. 2. Made the following findings as hereinafter described in this report:

- (i) The public interest and necessity require the proposed project;
- (ii) The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
- (iii) The real property to be acquired is necessary for the project; and,
- (iv) The offers of just compensation have been made to the property owners.

3. Adopted Resolution No 2009-21 Resolution of Necessity declaring that the acquisition of a fee interest in certain real property located in Orange County, California, more particularly described as Assessor Parcel Number 606-161-10, is required for open space and public park purposes, in Lake Forest, Orange County, California. MOTION UNANIMOUSLY CARRIED.

20. **SPECIAL EVENT AND TEMPORARY OUTDOOR PROMOTION PERMIT FEE RESOLUTION** submitted by City Attorney. (F: 47.9)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council adopted Resolution No. 2009-21 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ESTABLISHING PERMIT

FEEES FOR SPECIAL EVENTS AND TEMPORARY OUTDOOR PROMOTION PERMITS. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

21. **AMBULANCE SERVICES** submitted by Director of Management Services. (F: 12.1A)

ACTION: On motion by Mayor Pro Tem Herzog and second by Mayor Tettermer, the City Council approved and authorized the mayor to execute an exclusive operating area agreement for the provision of ambulance services within Exclusive Operating Area (EOA) No. 42, which includes Lake Forest, to Doctor's Ambulance Service. **MOTION CARRIED WITH MEMBER ABSENT (ABSTAINING).**

22. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 7.19.030 (C) OF THE LAKE FOREST MUNICIPAL CODE RELATING TO THE LAKE FOREST TRAFFIC MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD** submitted by City Attorney. (F: 50.11C)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council introduced the first reading of Ordinance No. 204 entitled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 7.19.030(C) OF THE LAKE FOREST MUNICIPAL CODE RELATING TO THE LAKE FOREST TRAFFIC MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD.** **MOTION UNANIMOUSLY CARRIED.**

23. **DISCUSSION REGARDING THE DESIGNATION OF THE VOTING DELEGATE AND ALTERNATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE** submitted by Acting City Clerk. (F: 43.3C)

ACTION: Council provided direction to staff to develop a resolution to designate future voting delegates for the next scheduled City Council meeting.

24. **ADOPTION OF 5-YEAR STRATEGIC BUSINESS PLAN, CAPITAL**

IMPROVEMENTS PROJECT BUDGET 2009-11, AND FISCAL YEAR 2009-10 OPERATING BUDGET submitted by Director of Management Services. (F: 30.8) (X: 30.9)

- A. ADOPTION OF 5-YEAR STRATEGIC PLAN submitted by Director of Management Services. (F: 30.7)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Provided direction regarding Traffic Synchronization/Management Project. 2. Adopted the Lake Forest 5-Year Strategic Business Plan 2009-2014 substantially in the form submitted with amendments. MOTION CARRIED WITH MAYOR TETTEMER AND COUNCIL MEMBER MCCULLOUGH OPPOSED.

- B. ADOPTION OF THE CAPITAL IMPROVEMENT PROJECTS BUDGET 2009-11 submitted by Director of Finance/City Treasurer. (F: 30.8)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council acting as both the City Council and the Redevelopment Agency adopted Resolution No. 2009-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING THE CAPITAL IMPROVEMENT PROJECTS BUDGET 2009-11. MOTION CARRIED WITH MAYOR TETTEMER AND COUNCIL MEMBER MCCULLOUGH OPPOSED.

ACTION: On motion by Vice Chair Herzog and second by Agency Member Dixon, the Redevelopment Agency acting as both the City Council and the Redevelopment Agency adopted Resolution No. R2009-06 entitled A RESOLUTION OF THE LAKE FOREST REDEVELOPMENT AGENCY ADOPTING THE CAPITAL IMPROVEMENT PROJECTS BUDGET 2009-11. MOTION CARRIED WITH CHAIR TETTEMER AND AGENCY MEMBER MCCULLOUGH OPPOSED.

- C. ADOPTION OF THE FISCAL YEAR 2009-10 OPERATING BUDGET submitted by Director of Finance, City Treasurer. (F: 30.9)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council adopted Resolution No. 2009-18 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING THE OPERATING BUDGET FOR FISCAL YEAR 2009-10. MOTION CARRIED WITH MAYOR PRO TEM HERZOG OPPOSING.

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

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

26. 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 offered no 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) 10:46 p.m.