

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
March 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 Tettemer
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) 5:35 p.m.

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

3. 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

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)

Number of Potential Cases: 1

5. 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)

6. 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 6:56 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:05 p.m. with all Members present to continue regular City business.

PUBLIC SESSION

7:05 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Mayor Herzog.

CLOSED SESSION REPORT: City Attorney Smith stated there was no reportable action from the current Closed Session however reported that on March 2, 2010 the City Council voted unanimously to settle a claim with Excel Paving Company and that the settlement agreement had now been executed by all parties.
(F: 16.3)

PRESENTATIONS:

7. PROCLAMATION DESIGNATING APRIL 22, 2010, AS "EARTH DAY"
submitted by Director of Public Works/City Engineer. (F: 55.2)

ACTION: Approved proclamation designating Thursday, April 22, 2010 as Earth Day in the City of Lake Forest.

8. PROCLAMATION DESIGNATING APRIL 30, 2010, AS "ARBOR DAY"
submitted by Director of Public Works/City Engineer. (F: 55.2)

ACTION: Approved proclamation designating Friday, April 30, 2010, as Arbor Day in the City of Lake Forest.

9. INTRODUCTION OF THE NEW ORANGE COUNTY FIRE AUTHORITY DIVISION 5 CHIEF, submitted by the Director of Management Services. (F: 48.8H) (X: 71.7)

ACTION: Introduced Michael Boyle as the new Orange County Fire Authority Division 5 Chief.

10. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED DECEMBER 31, 2009, submitted by Director of Finance/City Treasurer. (F: 30.10A)

ACTION: Received and filed the report from Kathryn Beseau with the firm of Macias, Gini & O'Connell LLP.

11. SALES TAX BRIEFING submitted by the Director of Finance/City Treasurer. (F: 30.17C)

ACTION: Received presentation about sales tax revenues.

REPORT FROM STUDENT LIAISON:

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

RECESS: City Council recessed at 7:33 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:34 p.m. with all members present to continue regular City business.

PUBLIC COMMENTS:

CONSENT CALENDAR - WARRANT REGISTER: (Item No.12)

12. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$801,351.32. (F: 30.11)

Council Member Rudolph pulled the following items for separate consideration: Boss Safety Products, Fed Ex Office, and South Coast Trophy.

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

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council approved the warrant payable to Boss Safety Products as submitted. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council approved the warrant payable to Fed Ex Office as submitted. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member Rudolph and second by Council McCullough, the City Council approved the warrant payable to South Coast Trophy as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 13 - 22)

ACTION: On motion by Council Member Tettemer and second by Mayor Pro Tem Dixon, the City Council approved Consent Calendar Item Nos. *13-16, 18-22 as submitted. MOTION UNANIMOUSLY CARRIED WITH THE EXCEPTION OF COUNCIL MEMBER RUDOLPH AND MAYOR HERZOG ABSTAINING ON ITEM NO. 22.

- *13. 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.

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

ACTION: Approved as submitted.

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

ACTION: Received and filed.

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

ACTION: Received and filed.

- *18. REQUEST FOR PROPOSAL FOR CITYWIDE TRAFFIC SIGNAL TIMING SERVICES (PW 2009.07B) submitted by Director of Public Works/City Engineer. (F: 66.8A PW 2009.07B)

ACTION: 1. Approved a Request for Proposal for Citywide Traffic Signal Retiming Services (PW 2009.07B). 2. Authorized staff to solicit proposals for these services.

- *19. PORTOLA CENTER LAND EXCHANGE AGREEMENTS submitted by City Attorney. (F: 50.11B6)

ACTION: 1. Approved the Implementing Agreement between the City of Lake Forest and USA Portola Properties and Rancho Portola Investments. 2. Approved the Joint Escrow Agreement and Instructions by and among the City, USA Portola Properties, and Rancho Portola Investments. 3. Approved the NCCP/HCP Minor Amendment for Portola Property Mitigation Fee Credit and authorized its submittal in substantially similar form to the Nature Reserve of Orange County for approval.

- *20. FOURTH AMENDMENT OF THE NEWPORT BAY WATERSHED COOPERATIVE AGREEMENT submitted by Director of Public Works/City Engineer. (F: 69.13E)

ACTION: Authorized the Mayor to execute Cooperative Agreement (Agreement D08-104) for the Newport Bay Watershed and the Central Watershed Management Area, Fourth Amendment and Full Restatement of Cooperative Agreement.

- *21. APPLICATION FOR FUNDING UNDER THE TRANSPORTATION ENHANCEMENT (TE) ACTIVITIES PROGRAM submitted by Director of Public Works/City Engineer. (F: 32.16)

ACTION: Adopted Resolution No. 2010-06 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT (TE) ACTIVITIES PROGRAM UNDER THE JOBS FOR MAIN STREET ACT OF 2010 FOR THE EL TORO ROAD STREETScape PHASE 1, JERONIMO ROAD STREETScape PHASE 1, AND ROCKFIELD BOULEVARD STREETScape PHASE 1 PROJECTS.

- *22. APPROVAL OF PLANS AND SPECIFICATIONS FOR SLURRY SEAL OF VARIOUS CITY STREETS (PW 2009.08B) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2009.08B)

ACTION: On motion by Council Member 1. Approved the plans and specifications for Slurry Seal of Various City Streets (PW 2009.08B).
2. Authorized staff to solicit bids for this project.

Council Member Rudolph pulled the following item for separate consideration:

17. **FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH ICF/JONES AND STOKES FOR PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED SPORTS PARK AND RECREATION CENTER** submitted by Director of Development Services.

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council: 1. Approved the First Amendment to the agreement with ICF/Jones and Stokes, substantially in the form attached.
2. Authorized the Mayor to sign the First Amendment with ICF Jones and Stokes.

PUBLIC HEARING(S):

23. **ZONE CHANGE 2009-01, AMENDMENT TO CHAPTER 9.164 (SIGN CODE) OF THE LAKE FOREST MUNICIPAL CODE** submitted by the Director of Development Services, continued from the February 16, 2010 Regular Meeting. (F: 50.3I)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council continued this item to the regularly-scheduled City Council meeting of April 20, 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.

DISCUSSION/ACTION ITEMS:

24. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2010-2015 DRAFT UPDATE OF CONSOLIDATED PLAN** submitted by Assistant City Manager. (F: 73.7H2)

ACTION: On motion by Council Member McCullough and second by Mayor Pro Tem Dixon, the City Council: 1. Granted conceptual approval of the 2010-2015 draft update of Consolidated Plan. 2. Authorized release of the City's Community Development Block Grant (CDBG) draft update of the Consolidated Plan for a 30-day public review and comment period (March 26, 2010 - April 25, 2010), and directed staff to return the Consolidated Plan on May 4, 2010 for final review and adoption.

25. DRAFT 2010/11 ACTION PLAN - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) submitted by Assistant City Manager. (F: 73.7H2)

ACTION: On motion by Mayor Pro Tem Dixon and second by Council Member McCullough, the City Council: 1. Approved the 2010/11 draft plan for \$481,401 and reprogramming of unspent Community Development Block Grant (CDBG) of prior years. 2. Approved a 30-day public review and comment period for the draft plan, and directed staff to return this matter to City Council for final review and adoption on May 4, 2010.

26. 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.

27. 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 Tetteimer offered comments.

Mayor Pro Tem Dixon offered comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 8:50 p.m.