

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
November 3, 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
Peter Herzog
Mark Tetterer

Mayor Pro Tem:

Mayor:

City Manager:

City Attorney:

Acting City Clerk:

Robert C. Dunek
Scott C. Smith
Debra Rose

RECESS: City Council recessed at 6:03 p.m. for the purpose for conducting Closed Session business.

CLOSED SESSION

6:03 p.m.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8

Property: Parcel 1 of lot line adjustment no. 11-2000-10 in the City of Lake Forest. County of Orange, State of California recorded October 20, 2000, as instrument no. 2000 565713, of official records of said County, Parcel 2 of lot line adjustment no. 11-2002-02 recorded October 30, 2002, as instrument no. 20020948495, of said official records, Parcels 4 and B of Parcel Map No. 97-173 as shown on Map filed in Book 301 Pages 43, 44 and 45, of Parcel Maps in the office of the County Recorder of said County, a portion of Parcel 1 of Parcel Map No. 94-139 as shown on a

Map filed in Book 288, Pages 19 and 20 of said Parcel Maps and all of Tract No. 16224 as shown on a Map filed in Book 824, Pages 36 through 41, of miscellaneous maps in the office of the County Recorder of said County and Lot 8 of Tract No. 14754 as shown on a Map filed in Book 713, Pages 3 through 11, inclusive of said Miscellaneous Maps.

Agency negotiators: City Manager and City Attorney

Negotiating parties: Property Owner of Record

Under Negotiation: Price and Terms of Payment

2. 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

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(c)

Initiation of Litigation

Number of potential cases: 3

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Existing Litigation

Number of Cases: 7

City of Lake Forest v. De La Cuesta, et al. (Case No. 00298887)

City of Lake Forest v. Power of Trinity, et al. (Case No. 00298871)

City of Lake Forest v. GGECO, Inc., et al. (Case No. 00298892)

City of Lake Forest v. Acquiport Three Corp., et al. (Case No. 00298860)

City of Lake Forest v. New Amsterdam Cooperative, a California corporation, et al. (Case No. 30-2009-00310517)

City of Lake Forest v. OCMC, et al. (Case No. 00298852)

City of Lake Forest v. Earth Cann Wellness Center, et al. (Case No. not yet assigned)

5. 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)

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:05 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:10 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:10 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 Closed Session.

PRESENTATIONS:

6. INTRODUCTION OF NEW CEO FOR ORANGE COUNTY TRANSPORTATION AUTHORITY submitted by Acting City Clerk. (F: 55.1)

ACTION: The City Council received the introduction of Will Kempton, the new Chief Executive Officer (CEO) for the Orange County Transportation Authority (OCTA).

7. 10TH LAKE FOREST LEADERSHIP ACADEMY submitted by Deputy City Manager/Director of Management Services. (F: 25.3)

ACTION: The City Council presented certificates of completion to the 10th Lake Forest Leadership Academy.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

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

RECESS: City Council recessed at 7:25 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:37 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Jim Misiuk, Dino Roman, Lori Myers, Kandice Hawes, Phil Crow, and Albert Maraz.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 8)

8. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$3,360,318.03. (F: 30.11)

Council Member Rudolph pulled the following warrants for clarification: State Treasurer and CSAC Excess Insurance.

ACTION: On motion by Council Member McCullough and second by Council Member Dixon, 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 McCullough, the City Council approved the warrants payable to State Treasurer and CSAC Excess Insurance. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 9-17)

9. **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 Rudolph and second by Council Member McCullough, the City Council waived reading by title of Ordinances and Resolutions. **MOTION UNANIMOUSLY CARRIED.**

10. **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 21, AND AUGUST 4, 2009,** submitted by the Acting City Clerk.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the Minutes of the regular meeting of the City Council held July 21, and August 4 2009, as submitted. **MOTION UNANIMOUSLY CARRIED.**

11. **CITY COUNCIL MEETING CALENDAR FOR 2010** submitted by Acting City Clerk. (F: 26.10)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Approved a Budget Workshop on May 11, 2010. 2. Approved the City Council Meeting Calendar for 2010. **MOTION UNANIMOUSLY CARRIED.**

12. IRVINE RANCH WATER DISTRICT COMMUNITY FACILITIES DISTRICT FORMATION TEAM submitted by Director of Finance/City Treasurer. (F: 15.6)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the attached Best, Best & Krieger, LLP letter amendment for Bond Counsel services as amended. 2. Authorized the City Manager to enter into small dollar contracts for Financial Advisor, Special Tax, Absorption, Appraisal, Title, and other consulting services related to community facilities district formation. **MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING (ABSENT).**

13. SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH RJM submitted by Director of Community Services. (F: 50.11E)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the Second Amendment with RJM Design Group for the Sports Park Master Plan as amended. 2. Authorized the Mayor to sign the Second Amendment with RJM Design Group. **MOTION UNANIMOUSLY CARRIED.**

14. CONTRACT AWARD FOR THE TRABUCO ROAD RESURFACING PROJECT (PW 2007.17D.2) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17D.2)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Awarded a contract in the amount of \$484,000 to Hardy and Harper, Inc. of Santa Ana, California, for construction of the Trabuco Road Resurfacing Project (PW 2007.17D.2) as amended. 2. Upon receipt of the executed contract documents from Hardy and Harper, reject all other bids received and authorize return of the Bid Bonds. 3. Authorized the Mayor to sign, and City Clerk to attest the contract with Hardy and Harper, 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. **MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING (ABSENT).**

15. **FIRST AMENDMENT TO THE AGREEMENT FOR ON-CALL CONSULTANT SERVICES FOR ALTON PARKWAY** submitted by Director of Public Works/City Engineer. (F: 66.12)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the First Amendment to Agreement for Professional Consultant Services for Alton Parkway on-call services with The Moote Group, substantially in the form attached and as amended. 2. Authorized the Mayor to sign the First Amendment to Agreement for Professional Consultant Services with The Moote Group. **MOTION UNANIMOUSLY CARRIED.**

16. **TRAFFIC SIGNAL PREEMPTION INSTALLATION CONTRACT AWARD (PW 2007.19)** submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.19)

ACTION: This item was continued to the next City Council Meeting.

17. **AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR AGENCY PERMITTING FOR THE PROPOSED SPORTS PARK** submitted by Director of Development Services. (F: 50.11A)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the agreement with PCR Services Corporation for Agency Permitting for the Proposed Sports Park and Recreation Center as amended. 2. Authorized the Mayor to execute, and the City Clerk to attest, the agreement with PCR Services Corporation. **MOTION UNANIMOUSLY CARRIED.**

DISCUSSION/ACTION ITEMS:

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

ACTION: The City Council received the City Attorney's presentation on greenhouse gas emissions and related issues.

19. **REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES** submitted by Acting 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 comments.

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Mayor Pro Tem Herzog offered no comments.

Mayor Tetteimer offered no comments.

CONTINUED CLOSED SESSION: (F: 16.3)

There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 8:48 p.m.