

PRELIMINARY ACTION AGENDA LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
October 20, 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: 6:00 p.m.

ROLL CALL: Council Members: Richard T. Dixon
(Absent from Closed Session)
Kathryn McCullough
Marcia Rudolph
Mayor Pro Tem: Peter Herzog
Mayor: Mark Tettemer
City Manager: Robert C. Dunek
City Attorney: Scott C. Smith
Acting City Clerk: Debra Rose

RECESS: City Council recessed at 6:00 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION (F: 63.1) 6:00 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 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 REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

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.

Agency negotiators: City Manager and City Attorney
Negotiating parties: Property Owner of Record
Under Negotiation: Price and Terms of Payment

5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(c)
Initiation of Litigation
Number of potential cases: 7

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 3

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)

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 7:09 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:09 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

The Pledge of Allegiance to the Flag of our Country was led by Girl Scout Troop 1564.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there was one reportable action from Closed Session.

PRESENTATIONS:

7. RECOGNITION OF ORANGE COUNTY SHERIFF LIEUTENANT DONALD BARNES submitted by Acting City Clerk. (F: 55.3) (X: 48.8G)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the recognition as submitted. 2. Made presentation to Lt. Don Barnes. MOTION UNANIMOUSLY CARRIED.

8. 2009 RED RIBBON WEEK CAMPAIGN submitted by Chief of Police Services. (F: 53.3B)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council declared the week of October 19, 2009, as Red Ribbon Week in the City of Lake Forest. MOTION UNANIMOUSLY CARRIED.

9. ABC GRANT PRESENTATION AND RECOGNITION submitted by Chief of Police Services. (F: 72.4B1)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Received and filed the ABC Grant Presentation. 2. Made presentations to those present. **MOTION UNANIMOUSLY CARRIED.**

REPORT FROM STUDENT LIAISON: (F: 35.2A)

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

RECESS: City Council recessed at 7:38 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:39 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 Misuk, Charles Rogers, Jennifer Dinicola, Albert Florita, John Williams, Candice Hawes, Albert Maraz, Norman Lepoff, Edward Smith and Phillip Crow.

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

10. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,716,525.39. (F: 30.11)

Council Member Rudolph pulled the following warrants for separate clarification: Radio Accessory Headquarters and Studio Two Black Diamond.

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 warrants

payable to Radio Accessory Headquarters and Studio Two Black Diamond. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11-21)

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

12. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD JUNE 16, AND JULY 7, 2009, submitted by Acting City Clerk.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council approved the Minutes of the regular meetings of the City Council held June 16 and July 7, 2009, as amended. MOTION UNANIMOUSLY CARRIED.

13. 2009-2010 CITY MANAGER EMPLOYMENT AGREEMENT submitted by City Attorney. (F: 48.8A)

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council approved the 2009-2010 City Manager Employment Agreement. MOTION CARRIED WITH MAYOR PRO TEM HERZOG AND COUNCIL MEMBER DIXON OPPOSED.

14. STATUS OF COMPLIANCE WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMITS FIRST QUARTER FISCAL YEAR 2009-2010 submitted by Director of Public Works/City Engineer. (F: 69.13C)

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

15. **CONTRACT AWARD FOR THE SLURRY SEAL OF VARIOUS CITY STREETS PROJECT (PW 2007.17E)** submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17E)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council: 1. Awarded a contract in the amount of \$243,206 to Copp and Martin Contracting of La Habra, California, for construction of the Slurry Seal of Various City Streets Project (PW 2007.17E). 2. Upon receipt of the executed contract documents from Copp and Martin Contracting, reject all other bids received and authorized return of the Bid Bonds. 3. Authorized the Mayor to sign, and Acting City Clerk to attest the contract with Copp and Martin Contracting, 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).**

16. **CONTRACT AWARD FOR THE LANDSCAPE MAINTENANCE OF MEDIANS, PARKWAYS, AND SLOPES** submitted by Director of Public Works/City Engineer. (F: 34.2A)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Awarded a contract for an annual not-to-exceed amount of \$496,858.72 for landscape maintenance of medians, parkways and slopes to Nieves Landscape Inc., Santa Ana, California. 2. Authorized the Mayor to sign, and the Acting City Clerk to attest, the contract with Nieves Landscape Inc., substantially in the form attached. 3. Upon receipt of the executed contract documents from Nieves Landscape Inc., reject all other bids received and authorize return of the Bid Bonds. **MOTION UNANIMOUSLY CARRIED.**

17. **CONTRACT AMENDMENT FOR OPPORTUNITIES STUDY AREA IMPLEMENTATION PHASE CONSULTING SERVICES** submitted by the Assistant to City Manager. (F: 50.11)

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council 1. Approved the first amendment with Nuquest Ventures, substantially in the form attached, for a one-year extension for Opportunities Study Area (OSA) implementation phase consulting services. 2. Authorized the Mayor to sign, and the City

Clerk to attest, the first amendment with Nuquest Ventures, for these services. MOTION UNANIMOUSLY CARRIED.

18. STATUS REPORT FROM CITY/CHAMBER AD HOC COMMITTEE submitted by Assistant City Manager. (F: 42.3)

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

19. CONTRACT AWARD FOR THE LANDSCAPE MAINTENANCE OF PARKS submitted by Director of Public Works/City Engineer. (F: 34.3A)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Rejected the low bid in the amount of \$724,943.85 received from the Soto Company as a non-responsive bid. 2. Accepted the bid from SpectrumCare Landscape Inc., for the landscape maintenance of parks, and award a maintenance contract for an annual not-to-exceed amount of \$792,853.50. 3. Authorized the Mayor to sign, and the Acting City Clerk to attest, the contract with SpectrumCare Landscape Inc., substantially in the form attached. 4. Upon receipt of the executed contract documents from SpectrumCare Landscape Inc., reject all other bids received and authorize return of the Bid Bonds. MOTION UNANIMOUSLY CARRIED.

20. PROFESSIONAL SERVICES AGREEMENT FOR SPORTS PARK SURVEYING AND MAPPING (PW 2009.01S) submitted by Director of Public Works/City Engineer. (F: 50.11E PW 2009.01S)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council authorized the Mayor to execute an agreement with Mayers & Associates, Civil Engineering, Inc., substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

21. AWARD CONTRACT FOR SPORTS PARK GRADING AND DRAINAGE DESIGN SERVICES (PW 2009.1GD) submitted by Director of Public Works/City Engineer. (F: 50.11E PW 2009.1GD)

ACTION: On motion by Mayor Pro Tem Herzog and second by Mayor

Tettemer, the City Council authorized the Mayor to execute an agreement with Psomas, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

22. TRAFFIC CIRCULATION/GAP CLOSURE PROJECTS submitted by Director of Public Works/City Engineer. (F: 66.12)

A. REQUEST FOR PROPOSAL FOR ALTON PARKWAY DESIGN SERVICES (PW 2009.02D) submitted by Director of Public Works/City Engineer. (F: 66.12 PW2009.02D)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the Request For Proposal for Alton Parkway Design Services. 2. Authorized staff to solicit proposals for these services. MOTION UNANIMOUSLY CARRIED.

B. REQUEST FOR PROPOSAL FOR ALTON PARKWAY GEOTECHNICAL SERVICES (PW 2009.02G) submitted by Director of Public Works/City Engineer. (F: 66.12 PW 2009.02G)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved the Request for Proposal for Alton Parkway Geotechnical Services (PW 2009.02G). 2. Authorized staff to solicit proposals for these services. MOTION UNANIMOUSLY CARRIED.

C. REQUEST FOR PROPOSAL FOR RANCHO PARKWAY IMPROVEMENT PROJECT (PW 2009.06) submitted by Director of Public Works/City Engineer. (F: 66.12 PW 2009.06)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the Request for Proposal (RFP) for Rancho Parkway Improvement Project (PW 2009.06). 2. Authorized staff to solicit proposals for these services. MOTION UNANIMOUSLY CARRIED.

23. CONCEPTUAL PLANS FOR EL TORO ROAD STREETSCAPE PROJECT PHASE 1 (PW 2007.02) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.02)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Approved Median Alternative A as recommended by the Planning Commission. 2. Directed staff to develop the final construction plans and bid specifications for the project. MOTION UNANIMOUSLY CARRIED.

24. CONCEPTUAL PLANS FOR THE JERONIMO ROAD STREETSCAPE PROJECT PHASE 1 (PW 2007.05) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.05)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council: 1. Approved Median Alternative 1 and Parkway Alternative 3 as recommended by the Planning Commission. 2. Directed staff to complete the final construction plans and bid specifications for the project. 3. Directed staff to engage private property owners for the purpose of obtaining right-of-entry agreements and landscape easements to construct and maintain landscape improvements as part of this project. MOTION UNANIMOUSLY CARRIED.

25. PROPOSITION 1A SECURITIZATION PROGRAM submitted by Director of Finance/City Treasurer. (F: 30.6)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Approved a resolution entitled A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH. 2. Authorized the City Manager to execute the Purchase and Sale Agreement and all related documents. MOTION UNANIMOUSLY CARRIED.

26. LEGISLATIVE AND REGULATORY MATTERS submitted by the Assistant to 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.

27. 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 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.

CONTINUED CLOSED SESSION: (F: 16.3)

ADJOURNMENT: (F: 26.8) 10:10 p.m.