

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
October 5, 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:

6:02 p.m.

ROLL CALL: Council Members:

Kathryn McCullough

Marcia Rudolph

Mark Tetterer

Mayor Pro Tem:

Richard T. Dixon (absent)

Mayor:

Peter Herzog

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

City Clerk:

Stephanie D. Smith

CLOSED SESSION

1. 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)

2. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency Designated Representatives: City Manager  
Unrepresented Employees: All City Employees

ACTION: Conducted Closed Session.

RECESS: City Council recessed from Closed Session at 6:48 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:03 p.m. with all members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

#### PUBLIC SESSION

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Rudolph.

CLOSED SESSION REPORT: City Attorney Smith stated there was no reportable action.

#### PRESENTATIONS:

3. PROCLAMATION DECLARING OCTOBER 3-9, 2010 AS "FIRE PREVENTION WEEK" submitted by City Clerk. (F: 55.2)

ACTION: On motion by Council Member Tettemer, second by Council Member McCullough, the City Council approved the Proclamation as submitted.

#### REPORT FROM STUDENT LIAISON: (F: 35.2A)

John Heffel, Student Liaison from El Toro High School, presented his report.

RECESS: City Council recessed at 7:10 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:11 p.m. with Mayor Pro Tem Dixon absent to continue regular City business.

#### PUBLIC COMMENTS:

The public offered no comments.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 4)

4. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 30.11)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council approved the warrant register in the amount of \$1,714,747.74 as submitted.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5 - 11)

ACTION: On motion by Council Member Tettermer and second by Council Member McCullough, the City Council approved Consent Calendar Item Nos. \*5-11. MOTION CARRIED with Mayor Pro Tem Dixon absent and Mayor Herzog abstaining on Item No. 9.

- \*5. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: Approved 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.

- \*6. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON SEPTEMBER 7, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- \*7. BID DOCUMENTS FOR LANDSCAPE MAINTENANCE OF MEDIANS, PARKWAYS AND SLOPES submitted by Director of Public Works/City Engineer. (F: 34.2A)

ACTION: 1. Approved the bid documents for Landscape Maintenance of Medians, Parkways and Slopes (MPS).  
2. Authorized staff to solicit bids for these services.

- \*8. LETTER OF CREDIT FOR THE DEPARTMENT OF FISH AND GAME REGARDING MITIGATION FOR THE ALTON PARKWAY PROJECT submitted by Director of Public Works/City Engineer. (F: 66.12)

ACTION: 1. Approved the Draft Letter of Credit for the California Department of Fish and Game for the City's Alton Parkway Project,

substantially in the form attached. 2. Authorized the City Manager to execute the Letter of Credit.

- \*9. NOTICE OF COMPLETION FOR THE SLURRY SEAL OF VARIOUS CITY STREETS PROJECT (PW 2009.08B) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2009.08B))

ACTION: 1. Found that Copp and Martin Contracting of La Habra, California, has completed construction on the Slurry Seal of Various City Streets Project (PW 2009.08B). 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 with the County Recorder of Orange County, within ten days of City Council approval, as required by Section 3093 of the California Civil Code. 4. Authorized payment to the contractor of the 10% retention, in the amount of \$58,382.37, 35 days after the recording date of the Notice of Completion, provided no Stop Payment Notices are on file with the City preventing the release of the final payment.

- \*10. FIRST AMENDMENT WITH NIEVES LANDSCAPE FOR LANDSCAPE MAINTENANCE OF MEDIANS, PARKWAYS AND SLOPES submitted by Director of Public Works/City Engineer. (F: 34.2A)

ACTION: 1. Approved the First Amendment to Agreement for landscape maintenance of medians, parkways and slopes (MPS) with Nieves Landscape, Inc. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement amendment, substantially in the form attached.

- \*11. AWARD OF CONTRACT FOR DESIGN SERVICES - RIMGATE & TAMARISK PARK IMPROVEMENTS submitted by Director of Community Services. (F: 34.3) (X: 46.16A) (X: 46.27A)

ACTION: 1. Approved the agreement with RHA Landscape Architects-Planners, Inc. for Design Services for Rimgate and Tamarisk Park Improvements. 2. Authorized the Mayor to execute, and the City Clerk to attest, the agreement with RHA Landscape Architects-Planners, Inc.

## **PUBLIC HEARING(S):**

Public Hearings are scheduled for a time certain of 7:00 p.m. or as soon thereafter as possible. City Council, when considering the matter scheduled for hearing, will take the following actions: 1. Open the Public Hearing. 2. Receive staff report. 3. Accept public testimony. 4. City Council comments and questions. 5. Take appropriate action. Those wishing to address the City Council during the Public Hearing must complete a "Request to Speak" form and provide it to the City Clerk prior to the hearing.
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## **12. TENTATIVE TRACT MAP 17336, USE PERMIT 2009-18, ADDENDUM**

TO THE OPPORTUNITIES STUDY AREA PROGRAM  
ENVIRONMENTAL IMPACT REPORT, WHISLER RANCH  
RESIDENTIAL PROJECT (APN: 613-831-04) submitted by Director of  
Development Services. (F: 50.11B7)

ACTION: On motion by Council Member Tettemer, second by Council Member McCullough, the City Council: 1) Adopted Resolution No. 2010-38 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING AN ADDENDUM TO OPPORTUNITIES STUDY AREA PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE WHISLER RANCH RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF OSTERMAN ROAD AND REGENCY LANE (APN: 613-831-04) and 2) Adopted Resolution No. 2010-39 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 17336 AND USE PERMIT 2009-18 FOR THE WHISLER RANCH RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF OSTERMAN ROAD AND REGENCY LANE (APN: 613-831-04) MOTION CARRIED with Mayor Pro Tem Dixon absent.

DISCUSSION/ACTION ITEMS:

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

ACTION: Received and filed the report.

14. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES submitted by City Clerk.

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

**CONTINUED CLOSED SESSION:**

There was no continued Closed Session.

**ADJOURNMENT:** 7:47 p.m.