

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
September 7, 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: 5:32 p.m.

ROLL CALL:	Council Members:	Kathryn McCullough Marcia Rudolph Mark Tettermer
	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 (F: 16.3) 5:32 p.m.

1. 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. (Consolidated Case No. 30-2009 00298887)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 1

City of Lake Forest adv. Marla James, et al. (Case No. SACV 10-00402
AG(MLGx

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APN: 104-143-25 and 104-143-27
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 – 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)

5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)
Number of Potential Cases: 1

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:50 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:04 p.m. to continue regular City business.

PUBLIC SESSION

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.

PRESENTATIONS:

There were no items scheduled for Presentation.

RECESS: City Council recessed at 7:05 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:06 p.m. to continue regular City business.

PUBLIC COMMENTS:

The following member of the Public offered comments:

Adam Nick, Lake Forest resident

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 6)

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

Council Member Rudolph pulled the following warrants for separate consideration: Nextel Communications, Standard Insurance.

ACTION: On motion by Council Member Rudolph, second by Council Member Tetterer, the City Council approved the warrant payable to Nextel Communications as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member Rudolph, second by Council Member Tetterer, the City Council approved the warrant payable to Standard Insurance as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member McCullough, second by Mayor Herzog, the City Council approved the balance of the warrant register as submitted. MOTION CARRIED with Mayor Pro Tem Dixon absent and Council Member Tetterer abstaining on the warrants payable to David Taussig and Associates and Fieldman Rolapp and Associates.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 12)

ACTION: On motion by Council Member Tetterer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. *7-8, and *11-12. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

- *7. 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.

- *8. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON AUGUST 3, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- *11. QUARTERLY SIX-MONTH CONTRACT EXPIRATION NOTICE MEMORANDUM submitted by Deputy City Manager/Director of Management Services. (F: 11.2)

ACTION: Received and filed the Notice.

- *12. REIMBURSEMENT OF PUBLIC FACILITIES PROJECT COSTS FROM FUTURE ISSUANCE OF BONDS submitted by City Manager. (F: 30.6)

ACTION: Adopted Resolution No. 2010-34 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, DECLARING ITS INTENT TO ISSUE TAX-EXEMPT BONDS TO BE USED TO REIMBURSE THE CITY FOR EXPENDITURES PRIOR TO THE ISSUANCE OF SUCH BONDS.

PULLED CONSENT CALENDAR ITEMS:

The City Attorney pulled the following item for separate consideration:

- 9. ADOPTION OF ORDINANCE NO. 219 - CITY MANAGER'S AUTHORITY TO APPROVE CONTRACT AMENDMENTS AND CHANGE ORDERS submitted by City Clerk. (F: 51.2A19) (X: 48.8A)

ACTION: On motion by Mayor Herzog, second by Council Member McCullough, the City Council: 1. Conducted second reading of

Ordinance No. 219 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTIONS 3.12.140, 3.12.165 AND 3.13.085 OF THE LAKE FOREST MUNICIPAL CODE REGARDING THE CITY MANAGER'S AUTHORITY TO APPROVE CONTRACT AMENDMENTS AND CHANGE ORDERS. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

Council Member McCullough pulled the following item for separate consideration:

10. PASSPORT ACCEPTANCE AGENCY SERVICE submitted by Deputy City Manager/Director of Management Services. (F: 25.5)

ACTION: On motion by Mayor Herzog, second by Council Member Tettemer, the City Council authorized the City Manager to file the request for designation with the U.S. Department of State Bureau of Consular Affairs to serve as a Passport Acceptance Facility. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

PUBLIC HEARING(S):

13. APPROPRIATION OF CITIZENS OPTIONS FOR PUBLIC SAFETY (COPS) FUNDS FOR FY 2010-11 (AB 3229 BRULTE) submitted by Chief of Police Services. (F: 32.4)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council: 1. Conducted the public hearing as required by law. 2. Approved the use of AB 3229 funds for the costs associated with one sergeant position. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

14. ADOPTION OF 2008-2014 HOUSING ELEMENT (GENERAL PLAN AMENDMENT 5-10-1232) submitted by Director of Development Services. (F: 31.2D)

ACTION: On motion by Council Member Tettemer, second by Council Member McCullough, the City Council continued the public hearing to the City Council meeting on September 21, 2010. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

DISCUSSION/ACTION ITEMS:

15. ALTON PARKWAY PROJECT (F: 66.12 PW 2009.02)

The City Council considered the following items out of order.

- B. REIMBURSEMENT AGREEMENT WITH IRVINE RANCH WATER DISTRICT FOR THE ALTON PARKWAY PROJECT (PW 2009.02) submitted by Director of Public Works/City Engineer.

Council Member Tetterer recused himself from this item and left the dais.

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council: 1. Approved the reimbursement agreement with Irvine Ranch Water District for the construction of utilities within the Alton Parkway project (PW 2009.02), substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest the agreement. **MOTION CARRIED** with Mayor Pro Tem Dixon absent and Council Member Tetterer abstaining.

Council Member Tetterer returned to the dais.

- D. CONSULTANT AGREEMENT FOR ALTON PARKWAY CONTRACT ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES submitted by Director of Public Works/City Engineer.

ACTION: On motion by Council Member Rudolph, second by Council Member Tetterer, the City Council: 1. Approved the agreement with AECOM for contract administration and construction inspection (CA/CI) services for the Alton Parkway Project (PW 2009.02). 2. Authorized the Mayor to sign and the City Clerk to attest the agreement, substantially in the form attached. **MOTION UNANIMOUSLY CARRIED** with Mayor Pro Tem Dixon absent.

- A. LICENSE AGREEMENT WITH SHEA BAKER RANCH, LLC AND BAKER RANCH PROPERTIES, LLC FOR ALTON PARKWAY submitted by Director of Public Works/City Engineer.

ACTION: On motion by Council Member McCullough, second by Council Member Tetterer, the City Council: 1. Approved the License Agreement with Shea Baker Ranch Associates for the temporary access to construct Alton Parkway, substantially in the form attached. 2. Authorized the Mayor to sign and City Clerk to attest the License Agreement. **MOTION UNANIMOUSLY CARRIED** with Mayor Pro Tem Dixon absent.

C. CONSTRUCTION CONTRACT FOR ALTON PARKWAY PROJECT (PW 2009.02) submitted by Director of Public Works/City Engineer.

ACTION: On motion by Council Member Tettemer, second by Council Member McCullough, the City Council: 1. Awarded a contract in the amount of \$6,175,151 to Sukut Construction, of Santa Ana, California, for construction of the Alton Parkway Commercentre to Towne Centre project (PW 2009.02). 2. Upon receipt of the executed contract documents from Sukut Construction, rejected all other bids received and authorized return of the bid bonds. 3. Authorized the Mayor to sign, and City Clerk to attest the contract with Sukut Construction. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

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

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council adopted Resolution No. 2010-35 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, SUPPORTING PROPOSITION 23, THE CALIFORNIA JOBS INITIATIVE. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

17. 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:

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tettemer offered comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 8:03 p.m.