

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
August 17, 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: 6:00 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) 6:00 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 REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APN: 612-022-10
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
Initiation of litigation pursuant to Government Code Section 54956.9(c)
Number of Potential Cases: 1
6. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(c)
Number of Potential Cases: 1
7. 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 from Closed Session at 6:45 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:00 p.m. with all Members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

PUBLIC SESSION

7:00 p.m.

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

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

PRESENTATIONS:

8. RECOGNITION OF 2010 PARADE VOLUNTEERS, SPONSORS AND TROPHY WINNERS submitted by Director of Community Services. (F: 55.5)

ACTION: On motion by Council Member Tetteimer, second by Council Member McCullough, the City Council: 1. Recognized the volunteers and groups who helped plan and produce the 2010 Lake Forest Independence Day Parade and related events. 2. Recognized the parade sponsors for their generous support. 3. Presented awards to the winning Parade entries. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

9. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED JUNE 30, 2010 submitted by Director of Finance/City Treasurer. (F: 30.10A)

ACTION: On motion by Council Member Tetteimer, second by Council Member McCullough, the City Council received and filed the report from Kathryn Beseau with the firm of Macias, Gini & O'Connell LLP.

City Council recessed at 7:40 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:41 p.m. with all Members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

PUBLIC COMMENTS:

The following members of the Public offered comments:

Gail Reavis, Mission Viejo resident
Stephen Berger, Attorney, Irvine,
Randy Johnson, Lake Forest resident

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

10. 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 \$1,355,665.46 as submitted.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11 - 18)

ACTION: On motion by Council Member Tettemer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. *11-18. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

- *11. 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.

- *12. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 20, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- *13. CONTRACT AMENDMENT FOR NOVAK AND NORMAL, INC. DBA THE PM GROUP submitted by Deputy City Manager/Director of Management Services. (F: 54.2A)

ACTION: Approved the Second Amendment to the Agreement with The PM Group, substantially in the form attached, to print City newsletters.

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

ACTION: Received and filed the Treasurer's Report.

- *15. TERMINATION OF ALTERNATIVE RETIREMENT PLAN (PARS) ADOPTED IN 1992 submitted by Deputy City Manager/Director of Management Services. (F: 48.5A)

ACTION: Adopted Resolution No. 2010-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, TO TERMINATE THE CITY OF LAKE FOREST ALTERNATIVE RETIREMENT SYSTEM.

- *16. AGREEMENT AMENDMENT WITH KFM ENGINEERING FOR CYCLE II OF THE ANNUAL STREET RESURFACING AND SLURRY SEAL PROGRAM submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2009.08)

ACTION: 1. Amended the existing agreement with KFM Engineering to provide consultant design services for Cycle II of the City's 2009-2011 annual street resurfacing and slurry seal program.
2. Authorized the Mayor to sign, and City Clerk to attest, the agreement amendment with KFM Engineering Inc., substantially in the form attached.

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

ACTION: 1. Approved the selection of Albert Grover & Associates for professional services for the Citywide Traffic Signal Timing Project (PW 2009.07B). 2. Authorized the Mayor to sign, and the City Clerk to attest an agreement with Albert Grover & Associates, substantially in the form attached. 3. Authorized the City Manager to approve contract change orders up to a maximum 10% of the contract amount.

- *18. STATUS OF COMPLIANCE WITH NPDES PERMITS 4TH QUARTER FY 2009-10 submitted by Director of Public Works/City Engineer. (F: 69.13C)

ACTION: Received and filed the report.

DISCUSSION/ACTION ITEMS:

19. ORDINANCE REGARDING CITY MANAGER'S AUTHORITY TO APPROVE CONTRACT AMENDMENTS AND CHANGE ORDERS submitted by City Attorney. (F: 51.2A19) (X: 48.8A)

ACTION: On motion by Council Member McCullough, second by Mayor Herzog, the City Council introduced for first reading the Ordinance 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.

20. APPROVAL OF PURCHASING AND CONTRACT GUIDELINES 2010 submitted by Deputy City Manager/Director of Management Services. (F: 51.2A19)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council: 1. Approved the Purchasing and Contract Guidelines August 2010 in the form substantially submitted. 2. Directed staff to return to the City Council each January for review and re-adoption of contract templates. 3. Authorized the City Manager to execute the Addendum to the State of California Purchase Card Program Master Services Agreement. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

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

ACTION: On motion by Mayor Herzog, second by Council Member Tettermer, the City Council adopted Resolution No. 2010-33 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, SUPPORTING PROPOSITION 22, THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACTION OF 2010. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

22. 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 offered no comments.

CITY COUNCIL COMMENTS:

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered no comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no Continued Closed Session.

ADJOURNMENT: 8:10 p.m.