

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
July 6, 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Manager
2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor
Unrepresented employee: City Manager
3. 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)

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
Initiation of litigation pursuant to Government Code Section 54956.9(c)
Number of Potential Cases: 1

6. 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

7. 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

8. 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 6:52 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 (absent, excused) 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 Mayor Herzog.

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

PRESENTATIONS:

9. PROCLAMATION TO DECLARE JULY AS PARKS & RECREATION MONTH submitted by Director of Community Services. (F: 55.2)

ACTION: Proclaimed July as "Parks and Recreation Month".

RECESS: City Council recessed at 7:02 p.m. for the purpose of conducting Redevelopment Agency and Rancho Cañada Financing Authority business.

RECONVENE: City Council reconvened at 7:05 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:

Kandice Hawes, Lake Forest resident
Josue Lopez, Lake Forest resident
Debbie Tharp, Orange County resident
Gordon Wilson, Lake Forest resident

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

10. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

Council Member McCullough pulled the following warrants for separate consideration: Bonanza Steam Cleaning; City of Mission Viejo.

ACTION: On motion by Council Member Tettemer and second by

Council Member McCullough, the City Council approved the balance of the warrant register as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member McCullough, second by Council Member Rudolph, the City Council approved the warrant payable to Bonanza Steam Cleaning. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member McCullough, second by Council Member Rudolph, the City Council approved the warrant payable to the City of Mission Viejo. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11-16)

ACTION: On motion by Council Member Tetteimer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. *11-12 and *14-16. 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 JUNE 1, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- *14. SECOND AMENDMENT TO AGREEMENT WITH NUQUEST VENTURES FOR OPPORTUNITIES STUDY CONSULTING SERVICES submitted by Assistant to the City Manager. (F: 50.11)

ACTION: 1. Approved the Second Amendment with Nuquest Ventures, substantially in the form attached, for Opportunities Study Area (OSA) consulting services. 2. Authorized the Mayor to sign, and the City Clerk to attest, the Second Amendment with Nuquest Ventures.

- *15. REQUEST FOR PROPOSAL FOR DESIGN SERVICES FOR TAMARISK AND RIMGATE PARK RENOVATIONS submitted by Director of Community Services. (F: 34.3; X: 46.16; X: 46:27)

ACTION: 1. Approved the Request for Proposal for Design Services for Tamarisk and Rimgate Park Renovations. 2. Authorized staff to solicit proposals for design services.

- *16. REQUEST FOR PROPOSAL FOR RESIDENT AND BUSINESS SURVEY SERVICES submitted by Deputy City Manager/Director of Management Services. (F: 24.7A)

ACTION: 1. Approved the Request for Proposal for Resident and Business Survey Services. 2. Authorized staff to solicit proposals for Resident and Business Survey Services.

PULLED CONSENT CALENDAR ITEMS:

13. TRANSPORTATION ENHANCEMENT ACTIVITIES AND NEGATIVE DECLARATIONS FOR TRAFFIC CALMING STREETSCAPE PROJECTS submitted by Director of Public Works/City Engineer. (F: 32.16)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Adopted Resolution No. 2010-22 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITIES PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT - LEGACY FOR USERS FOR THE EL TORO ROAD STREETSCAPE PHASE 1, JERONIMO ROAD STREETSCAPE PHASE 1 AND THE ROCKFIELD BOULEVARD STREETSCAPE PHASE 1 PROJECTS. 2. Adopted Resolution No. 2010-23 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE ROCKFIELD BOULEVARD STREETSCAPE PROJECT PHASE 1. 3. Adopted Resolution No. 2010-24 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE JERONIMO ROAD STREETSCAPE PROJECT PHASE 1. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

PUBLIC HEARING(S):

17. GENERAL PLAN AMENDMENT (GPA 5-10-1233), ZONE CHANGE (ZC 5-10-1234), DEVELOPMENT AGREEMENT AND ADDENDUM TO OSA PEIR FOR SHEA-BAKER RANCH ASSOCIATES submitted by Director of Development Services. (F: 50.11B4)

ACTION: On motion by Council Member Tetteimer, second by Council Member Rudolph, the City Council: Adopted Resolution No. 2010-25 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING AN ADDENDUM TO THE OPPORTUNITIES STUDY PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH #2004071039) FOR GENERAL PLAN AMENDMENT 5-10-1233 AND ZONE CHANGE 5-10-1234, SHEA / BAKER RANCH, TO REZONE 387 ACRES WITHIN THE BAKER RANCH PLANNED COMMUNITY TO ALLOW FOR RESIDENTIAL AND MIXED-USES, WITHIN THE OPPORTUNITIES STUDY AREA. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member Tetteimer, second by Council Member McCullough, the City Council: Introduced an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA) 5-10-1233 TO ALLOW FOR RESIDENTIAL AND MIXED-USES, WITHIN THE OPPORTUNITIES STUDY AREA. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member Tetteimer, second by Council Member Rudolph, the City Council: Introduced an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 5-10-1234, SHEA / BAKER RANCH, TO REZONE 387 ACRES WITHIN THE BAKER RANCH AND FOOTHILL RANCH COMMUNITIES FROM URBAN ACTIVITY TO RESIDENTIAL MIXED-USE, AND OPEN SPACES USES IN THE BAKER RANCH PLANNED COMMUNITY, WITHIN THE OPPORTUNITIES STUDY AREA. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member Tetteimer, second by Council Member McCullough, the City Council: Introduced an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND

SHEA/BAKER RANCH ASSOCIATES, LLC FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

DISCUSSION/ACTION ITEMS:

18. ORDINANCE AMENDING CHAPTER 7.19 OF THE LAKE FOREST MUNICIPAL CODE (LAKE FOREST TRANSPORTATION MITIGATION PROGRAM) submitted by City Attorney. (F: 50.11C)

ACTION: On motion by Council Member Tettemer, second by Council Member McCullough, the City Council: Introduced an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 7.19 OF THE LAKE FOREST MUNICIPAL CODE (THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM) TO INCLUDE GENERAL PLAN AMENDMENT NO. 5-10-1233 RELATING TO THE SHEA - BAKER RANCH PROPERTY. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

19. BID DOCUMENTS FOR THE ALTON PARKWAY PROJECT (PW 2009.02) submitted by Director of Public Works/City Engineer. (F: 66.12)

ACTION: On motion by Council Member McCullough, second by Council Member Rudolph, the City Council: 1. Approved bid documents for construction of the Alton Parkway Project (PW 2009.02)
2. Authorized staff to solicit bids. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

20. AGREEMENT FOR MANAGEMENT OF THE FOOTHILL CIRCULATION PHASING PLAN WITHIN THE CITY OF LAKE FOREST (FCPP FEE SHARING AGREEMENT) submitted by City Attorney. (F: 66.12)

ACTION: On motion by Council Member McCullough, second by Council Member Rudolph, the City Council adopted Resolution No. 2010-26 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE AGREEMENT FOR MANAGEMENT OF THE FOOTHILL CIRCULATION PHASING PLAN WITHIN THE CITY OF LAKE FOREST. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

21. DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES submitted by City Clerk. (F: 43.3)

ACTION: On motion by Mayor Herzog, second by Council Member McCullough, the City Council appointed Council Member McCullough to serve as the City's Voting Delegate, Council Member Rudolph to serve as the 1st Alternate and Council Member Tetteimer to serve as the 2nd Alternate for the League of California Cities annual conference to be held September 15-17, 2010 in San Diego. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

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

ACTION: Receive and filed the report.

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

ACTION: The 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 Tetteimer offered comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no Continued Closed Session.

ADJOURNMENT: 8:19 p.m.