

**PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL**

**Regular Meeting of the City Council
March 4, 2008**

**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: **6:06 p.m.**

ROLL CALL: Council Members:	Richard T. Dixon (Arrived at 8:28pm)
	Kathryn McCullough
	Marcia Rudolph
Mayor Pro Tem:	Peter Herzog
Mayor:	Mark Tetterer
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Sherry A.F. Wentz

RECESS: City Council recessed at 6:06 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION (F: 16.3) **6:06 p.m.**

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (3 properties: A - C)

City Negotiators:	City Manager and City Attorney
Property Negotiators:	Property Owners on Record
Under Negotiation:	Price and Terms of Payment

A. Property: Approximately 13.2 acres on APN 612-022-10

- B. Property: 20 acres located on APN 104-143-25 and 104-143-27, located at Rocky Road, west of Portola Parkway, south of Foothill Transportation Corridor, Lake Forest, CA
- C. Property: 7 acres located on APN 104-132-36, 104-132-65, located at 20996 Marin, Lake Forest, CA

2. CONFERENCE WITH LEGAL COUNSEL REGARDING THE FOLLOWING:

- A. Existing litigation pursuant to Government Code Section 54956.9(a): Four (4) Cases
 - 1. Case Name: City of Lake Forest v. Lake Forest Body Centre
Case No. 07CC1155
 - 2. Case Name: City of Lake Forest v. Lake Forest Body Centre
Case No. G039669
 - 3. Case Name: Darlene Do Thi Nguyen v. City of Lake Forest
Case No. 00101159
 - 4. Case Name: ATLF, et al. v City of Lake Forest, et al.
Case No. SACV 07-250 DOC
- B. Initiation of litigation pursuant to Government Code Section 54956.9(c): One (1) Case

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:00 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:07 p.m. to continue regular City business with Council Member Dixon absent.

PUBLIC SESSION

7:07 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Mayor Pro Tem Herzog led the pledge of Allegiance to the Flag of our Country.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there were no reportable actions from Closed Session.

PRESENTATIONS:

1. **REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS**
submitted by City Clerk.
 - A. **PROCLAMATION DECLARING THE MONTH OF APRIL 2008,**
AS "DMV/DONATE LIFE CALIFORNIA MONTH" (F: 55.2)
 - B. **RECOGNITION OF DEPUTY SHERIFF TONY BENFIELD, LAKE**
FOREST POLICE SERVICES' DEPUTY OF THE YEAR
(F: 55.5) (X: 48.8G)
 - C. **RECOGNITION OF DEPUTY SHERIFF DONNA SIEVERS,**
RECIPIENT OF LAKE FOREST POLICE SERVICES'
MERITORIOUS SERVICE AWARD (F: 55.5) (X: 48.8G)

ACTION: On a motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council: 1. Approved requests as submitted.
2. Made presentations to those present. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

2. **REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER**
ENDED DECEMBER 31, 2007, submitted by Director of Finance/City
Treasurer. (F: 30.10A)

ACTION: The City Council received and filed the report.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Brittney Slack, Student Liaison from El Toro High School, presented her report.

RECESS: City Council recessed at 7:21 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:22 p.m. to continue regular City business with Council Member Dixon absent.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Dr. James Gardner, Lisa Schoeneberger, and Gerald Hubble.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 3)

3. **WARRANT REGISTER** submitted by Director of Finance/City Treasurer in the amount of \$1,951,689.70. (F: 30.11)

ACTION: Council Member Rudolph pulled the following warrants for purposes of clarification: Lim & Nascimento Engineering, Nathaniel Meek, and Vavrinek, Trine, Day & Co.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved the remainder of the warrant register as submitted. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council approved the warrant payable to Lim & Nascimento Engineering. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to Nathaniel Meek. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to Vavrinek, Trine, Day & Co. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 4-9) (Item No. 5 was pulled from the Consent Calendar for separate consideration).

4. **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.**

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council waived the reading of Ordinances and Resolutions. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

5. **2008 MEMORIAL BIKE RIDE submitted by Chief of Police Services. (F: 71.17)**

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Approved the City's participation in the 2008 Memorial Bike Ride. 2. Authorized the expenditure of \$2,400 to help offset the cost of participation in the bicycling event which raises money for Project 999. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

6. **MID-YEAR BUDGET REVIEW submitted by Director of Finance/City Treasurer. (F: 30.9) (X: 30.8)**

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Adopted Resolution No. 2008-05 entitled **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING**

BUDGET FOR FISCAL YEAR 2007-08 AND THE 2007-2009 CAPITAL IMPROVEMENT PROJECTS BUDGET. 2. Approved the restatement of beginning balances as noted in the section "Restatement of Beginning Balances." 3. Approved adjustments to estimated revenues as noted in section "Proposed Adjustments to Fiscal Year 2007-08 Estimated Revenues." 4. Approved adjustments to interfund transfers as noted in section "Proposed Adjustments to Fiscal Year 2007-08 Interfund Transfers." 5. Approved the release of the El Toro Road Project Reserve towards proposed appropriations for the project. 6. Approved the conversion of the part-time Accounting Manager to a full-time position. 7. Approved the elimination of the full-time Senior Accountant position and the addition of a full-time Accountant position in the salary schedule. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

7. **BANKING SERVICES REQUEST FOR PROPOSAL** submitted by Director of Finance/City Treasurer. (F: 30.5)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council authorized staff to issue a Request for Proposal for banking services. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

8. **AGREEMENT FOR COMPUTER SUPPORT SERVICES** submitted by Director of Management Services. (F: 52.4B4)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved the Agreement with Synoptek for computer support services. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

9. **THIRD AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES FOR STREET REHABILITATION PROJECT (PW 2007.17C)** submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17C)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the Third Amendment to the Agreement for Consultant Services with Norris Repke for additional professional services, substantially in the form attached. 2. Authorized the Mayor to sign the Third Amendment to the Agreement for Consultant Services with Norris Repke. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

PUBLIC HEARING:

10. **USER FEE AND RATE STUDY** submitted by Director of Finance/City Treasurer. (F: 30.16A1)

ACTION: On motion by Council Member McCullough and second by Mayor Pro Tem Herzog, the City Council: 1. Conducted the Public Hearing as required by law. 2. Continued the public hearing to April 1, 2008, to allow all interested parties additional time to review the User Fee and Rate Study. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

11. **RESOLUTION OF NECESSITY TO INITIATE ACQUISITION OF PAPER STREETS FORMERLY KNOWN AS ALMOND STREET AND FRONT STREET** submitted by Assistant City Manager. (F: 50.2A15)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council adopted Resolution No. 2008-06 entitled **A RESOLUTION OF THE CITY OF LAKE FOREST, CALIFORNIA, DECLARING THAT THE ACQUISITION OF CERTAIN REAL PROPERTY BY EMINENT DOMAIN IS NECESSARY FOR THE CONSTRUCTION OF HOUSING, PUBLIC PARKING FACILITIES, OPEN SPACE AND RECREATION USES, AND VEHICULAR AND PEDESTRIAN ACCESS AND AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN ACQUIRING SUCH PROPERTY.** **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

DISCUSSION/ACTION ITEMS:

12. **ACTIONS REGARDING MEMORANDUM OF UNDERSTANDING FOR THE SERRANO CREEK RESTORATION** submitted by Director of Public Works/City Engineer. (F: 60.7A2)

ACTION: The City Council received and filed report.

13. **LEGISLATIVE MATTERS** submitted by Assistant to the 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.

14. **REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES** submitted by City Clerk.

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek offered no comments.

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 Tettermer presented comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no closed session.

ADJOURNMENT: (F: 26.8) 8:47 p.m.