

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
September 21, 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:

5:35 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

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 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)

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 – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(c)  
Number of Potential Cases: 1
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 from Closed Session at 6:37 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:02 p.m. with all members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

PUBLIC SESSION 7:02 p.m.

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

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

PRESENTATIONS:

There were no items scheduled for Presentation.

REPORT FROM STUDENT LIAISON:

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

RECESS: City Council recessed at 7:08 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:16 p.m. with all members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

Cheryl Bartetzko, Lake Forest resident, offered comments.

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 warrant payable to Farino Construction, Inc., for separate consideration.

ACTION: On motion by Council Member Rudolph, second by Council Member Tettermer, the City Council approved the warrant payable to Farino Construction. MOTION CARRIED with Mayor Pro Tem Dixon absent.

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council approved the balance of the warrant register as submitted. MOTION CARRIED with Mayor Pro Tem Dixon absent.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 19)

ACTION: On motion by Council Member Tettermer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. \*7-15 and \*17-19 as submitted. MOTION CARRIED with Mayor Pro Tem Dixon absent and Council Member Tettermer abstaining on Items 17 and 19.

- \*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 17, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- \*9. MONTHLY TREASURER'S REPORT - AUGUST submitted by Director of Finance/City Treasurer. (F: 30.12)

ACTION: Received and filed the report.

- \*10. CITY FINANCIAL REPORTS - QUARTER ENDED JUNE 30, 2010 submitted by Director of Finance/City Treasurer. (F: 30.13)

ACTION: Received and filed the report.

- \*11. REQUEST FOR PROPOSAL FOR FINANCIAL ADVISORY SERVICES submitted by Director of Finance/City Treasurer. (F: 48.8E1)

ACTION: 1. Approved the Request for Proposal for Financial Advisory Services. 2. Authorized staff to solicit proposals for Financial Advisory Services.

- \*12. CONTRACT AWARD FOR RESIDENT AND BUSINESS SURVEY SERVICES submitted by Deputy City Manager/Director of Management Services. (F: 24.7A)

ACTION: 1. Approved the selection of True North Research to provide professional survey consulting services for the 2010 Resident and Business Survey. 2. Authorized the Mayor to execute an agreement with True North Research, substantially in the form attached.

- \*13. 2009/10 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT submitted by Assistant City Manager. (F: 73.7H2)

ACTION: Adopted Resolution No. 2010-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE 2009/10 CONSOLIDATED ANNUAL

PERFORMANCE EVALUATION REPORT FOR THE CITY'S  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND  
AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT.

- \*14. FIRST AMENDMENT TO AGREEMENT WITH SPECTRUMCARE  
LANDSCAPE FOR MAINTENANCE OF CITY PARKS submitted by  
Director of Public Works/City Engineer. (F: 34.3A)

ACTION: 1. Approved the First Amendment to Agreement for park  
maintenance with SpectrumCare Landscape, Inc. 2. Authorized the  
Mayor to sign, and the City Clerk to attest, the agreement amendment,  
substantially in the form attached.

- \*15. APPROVAL OF BID SPECIFICATIONS AND AUTHORIZATION TO  
SOLICIT BIDS FOR TREE SERVICES submitted by Director of Public  
Works/City Engineer. (F: 34.4A)

ACTION: 1. Approved the bid specifications for tree services. 2.  
Authorized staff to solicit bids for these services.

- \*17. COOPERATIVE AGREEMENT FOR THE SOUTH ORANGE COUNTY  
WATERSHED MANAGEMENT AREA submitted by Director of Public  
Works/City Engineer. (F: 69.13D1)

ACTION: 1. Authorized the City Manager to sign, and the City Clerk to  
attest, the Cooperative Agreement for the South Orange County  
Watershed Management Area (Agreement No. D10-029), substantially in  
the form attached. 2. Approved the 2010-11 Annual Cost-Share Budget  
for the South Orange County Watershed Management Area.

- \*18. NOTICE OF COMPLETION FOR TRAFFIC SIGNAL PREEMPTION  
(PW 2007.19) submitted by Director of Public Works/City Engineer.  
(F: 66.8A PW 2007.19)

ACTION: 1. Found that Steiny and Company, Inc., of Baldwin Park,  
California, has completed the construction of Traffic Signal Preemption  
(PW 2007.19). 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 to the  
Office of the County Recorder or Orange County for recordation, within  
ten days of the City Council approval, as required by Section 3093 of the  
California Civil Code. 4. Authorized payment to the contractor of the ten

percent retention, in the amount of \$23,582.22, 35 days after the recording date of the Notice of Completion, provided no Stop Notices are on file with the City preventing the release of the final payment.

- \*19. NEWPORT BAY WATERSHED FUNDING AGREEMENT submitted by Director of Public Works/City Engineer. (F: 69.13E)

ACTION: 1. Approved the amendment and Full Restatement to the Cooperative Agreement D99-128 to Fund Nutrient, Fecal Coliform, and Toxics Total Maximum Daily Load Studies in the Newport Bay Watershed Third Amendment and Full Restatement of Agreement (Agreement No. D99-128), substantially in the form attached.  
2. Authorized the Mayor to sign and the City Clerk attest to the Third Amendment and Full Restatement of Agreement D99-128.

#### PULLED CONSENT CALENDAR ITEMS:

Council Member Rudolph pulled the following item for separate consideration.

- 16. REQUEST FOR PROPOSALS FOR CITY HALL JANITORIAL MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer. (F: 52.3A2)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council: 1. Approved the Request For Proposal for City Hall Janitorial Maintenance Services. 2. Authorized staff to solicit proposals for these services. MOTION CARRIED with Mayor Pro Tem Dixon absent.

#### PUBLIC HEARING(S):

- 20. ADOPTION OF 2008-2014 HOUSING ELEMENT (GENERAL PLAN AMENDMENT 5-10-1232) submitted by Director of Development Services. (F: 31.3 GPA 5-10-1232)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council adopted Resolution No. 2010-37 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 5-10-1232 ADOPTING THE 2008-2014 HOUSING ELEMENT OF THE GENERAL PLAN. MOTION CARRIED with Mayor Pro Tem Dixon absent.

#### DISCUSSION/ACTION ITEMS:

## 21. LAKE FOREST SPORTS PARK

The following items were considered out of numerical order:

Items 21B and 21C were considered concurrently and acted upon in one motion.

Council Member Tettemer recused himself from Items 21B and 21C and left the dais.

- B. IRVINE RANCH WATER DISTRICT REIMBURSEMENT AGREEMENT FOR UTILITIES FOR THE RANCHO PARKWAY PROJECT submitted by Director of Public Works/City Engineer. (F: 66.14)
- C. IRVINE RANCH WATER DISTRICT AGREEMENT FOR RELOCATING RECYCLED WATER PIPELINE FOR THE SPORTS PARK GRADING AND DRAINAGE PROJECT submitted by Director of Public Works/City Engineer. (F: 50.11E)

**ACTION:** On motion by Council Member McCullough, second by Council Member Rudolph, the City Council: 1. Approved the agreement with the Irvine Ranch Water District for the construction of utilities within the City's Rancho Parkway Project, substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest the agreement. 3. Approved the agreement with the Irvine Ranch Water District for relocating an existing recycled water pipeline as part of the City's Sports Park Grading and Drainage Project, substantially in the form attached. 4. Authorized the Mayor to sign, and the City Clerk to attest the agreement. **MOTION CARRIED** with Mayor Pro Tem Dixon absent and Council Member Tettemer abstaining.

Council Member Tettemer returned to the dais.

- A. PURCHASE AGREEMENT AND ESCROW INSTRUCTIONS FOR PURCHASE OF APPROXIMATELY 15 ACRES OF SPORTS PARK ACREAGE FROM BAKER RANCH PROPERTIES submitted by City Attorney. (F: 50.11E)

**ACTION:** On motion by Council Member Rudolph, second by Council Member McCullough, the City Council approved the Purchase Agreement and Escrow Instructions with Baker Ranch Properties.

MOTION CARRIED with Mayor Pro Tem Dixon absent.

- D. AWARD OF CONTRACT FOR SPORTS PARK DESIGN DEVELOPMENT SERVICES submitted by Director of Community Services. (F: 50.11E)

ACTION: On motion by Mayor Herzog, second by Council Rudolph, the City Council: 1. Approved the agreement with RJM Design Group, Inc. for Sports Park Design Development Services. 2. Authorized the Mayor to execute, and the City Clerk to attest, the agreement with RJM Design Group, Inc. MOTION CARRIED with Mayor Pro Tem Dixon absent.

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

ACTION: Received and filed report with minute action to adopt positions on various legislative proposals as appropriate.

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 had 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: 8:11 p.m.