

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
December 15, 2009

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: 6:08 p.m.

ROLL CALL: Council Members: Richard T. Dixon
Kathryn McCullough
Marcia Rudolph
Mayor Pro Tem: Peter Herzog
Mayor: Mark Tetterer
City Manager: Robert C. Dunek
City Attorney: Scott C. Smith
City Clerk: Stephanie Smith

RECESS: City Council recessed at 6:08 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION (F: 16.3) 6:08 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 8

City of Lake Forest v. De La Cuesta, et al. (Case No. 30-2009 00298887)

City of Lake Forest v. Power of Trinity, et al. (Case No. 30-2009 00298871)

City of Lake Forest v. GGECO, Inc., et al. (Case No. 30-2009 00298892)

City of Lake Forest v. Acquipt Three Corp., et al. (Case No. 30-2009 00298860)

City of Lake Forest v. New Amsterdam Cooperative, et al. (Case No. 30-2009-00310517)

City of Lake Forest v. OCMC, et al. (Case No. 30-2009 00298852)

City of Lake Forest v. Earth Cann Wellness Center, et al. (Case No. 30-2009 00313523)

City of Lake Forest v. Independent Collective of Orange County, et al. (Case No. 30-2009 00324525)

2. 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)

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. Hernandez (Case No. 30-2009-00318656).

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 at 7:08 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:12 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:12 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

The Pledge of Allegiance to the Flag was led by Council Member Dixon.

CLOSED SESSION REPORT: (F: 16.3)

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

PRESENTATIONS:

6. INTRODUCTION OF THE NEW ORANGE COUNTY FIRE AUTHORITY FIRE CHIEF submitted by Division Chief Orange County Fire Authority. (F: 48.8H) (X: 71.7)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council received the introduction of Keith Ritcher as the new Fire Chief of the Orange County Fire Authority.
MOTION UNANIMOUSLY CARRIED.

7. PARTICIPATION IN THE ORANGE COUNTY FIRE AUTHORITY "OC FIRE WATCH" PROGRAM submitted by Division Chief Orange County Fire Authority. (F: 71.7)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council authorized City participation in the Countywide OC Fire Watch-Red Flag Program. **MOTION UNANIMOUSLY CARRIED.**

8. **INTRODUCTION OF NEW EMPLOYEE - MANAGEMENT SERVICES DEPARTMENT** submitted by Deputy City Manager/Director of Management Services. (F: 48.8C)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council received the introduction of Stephanie Smith as the new City Clerk in the Management Services Department. **MOTION UNANIMOUSLY CARRIED.**

9. **EMPLOYEE SERVICE AWARDS** submitted by Deputy City Manager/Director Management Services. (F: 48.2)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council: 1. Approved requests as submitted. 2. Made presentations to those present. **MOTION UNANIMOUSLY CARRIED.**

CITY COUNCIL CEREMONIAL ITEMS

10. **RESOLUTION COMMENDING MAYOR** submitted by Acting City Clerk. (F: 26.11)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council approved Resolution No. 2009-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, COMMENDING COUNCIL MEMBER MARK TETTEMER ON HIS TERM AS MAYOR. **MOTION UNANIMOUSLY CARRIED.**

11. **COMMENTS BY OUTGOING MAYOR** submitted by Acting City Clerk. (F: 26.11)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council received comments from the outgoing Mayor. **MOTION UNANIMOUSLY CARRIED.**

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Nikki David, Student Liaison from El Toro High School, presented her report.

RECESS: City Council recessed at 7:34 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:40 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Kandice Hawes, Tracie Neria, and Margie Matsil.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 12)

12. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$2,017,132.64. (F: 30.11)

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council approved the warrant register as submitted. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSTAINING ON THE WARRANT PAYABLE TO ROGER FAUBEL PUBLIC AFFAIRS.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 13-25)

13. 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 submitted by Acting City Clerk.

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council waived the reading of Ordinances and Resolutions. **MOTION UNANIMOUSLY CARRIED.**

14. MINUTES OF THE SPECIAL AND REGULAR MEETINGS OF THE CITY COUNCIL HELD ON OCTOBER 6, 2009, submitted by Acting City Clerk.

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council approved the Minutes of the regular meeting of the City Council held on October 6, 2009, as submitted. **MOTION UNANIMOUSLY CARRIED.**

15. ADOPTION OF ORDINANCE NO. 207 submitted by Acting City Clerk. (F: 69.1)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Conducted the second reading of Ordinance No. 207 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTERS 9.144, 9.146, 13.08, AND 14.05 OF THE LAKE FOREST MUNICIPAL CODE, PERTAINING TO THE WATER EFFICIENT LANDSCAPE ORDINANCE AND GUIDELINES (ZC 2009-05). 2. Adopted Ordinance No. 207 as submitted. **MOTION UNANIMOUSLY CARRIED.**

16. ADOPTION OF ORDINANCE NO. 208 submitted by Acting City Clerk. (F: 50.3F)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Conducted the second reading of Ordinance No. 208, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 9.168 OF THE LAKE FOREST MUNICIPAL CODE (ZC 2009-02) as submitted. 2. Adopted Ordinance No. 208 as submitted. **MOTION UNANIMOUSLY CARRIED.**

17. MACIAS GINI & O'CONNELL, LLP - CONSULTANT PERFORMANCE REVIEW submitted by Director of Finance/City Treasurer. (F: 30.2A)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council received and filed the report as submitted. **MOTION UNANIMOUSLY CARRIED.**

18. SIX-MONTH NOTICE OF TRAFFIC SIGNAL MAINTENANCE AND OPERATION SERVICES CONTRACT EXPIRATION submitted by Director of Public Works/City Engineer. (F: 66.7)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council received and filed the report as submitted. MOTION UNANIMOUSLY CARRIED.

19. GENERAL ENGINEERING SERVICES - SIX-MONTH EXPIRATION NOTICE submitted by Director of Public Works/City Engineer. (F: 48.8F6)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council received and filed the report as submitted. MOTION UNANIMOUSLY CARRIED.

20. FOURTH AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES FOR HOUSING ELEMENT PREPARATION submitted by the Director of Development Services. (F: 31.2D)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the fourth amendment to the agreement with J. H. Douglas and Associates (formerly known as Conexis) for preparation of the City's Housing Element. 2. Authorized the Mayor to execute, and the City Clerk to attest, the fourth amendment to the agreement with J. H. Douglas and Associates. MOTION UNANIMOUSLY CARRIED.

21. NEGATIVE DECLARATION AND PLANS & SPECIFICATIONS FOR THE LIGHT INDUSTRIAL AREA IMPROVEMENT PROJECT (PW 2007.13) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.13)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved Resolution No.2009-39 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE LIGHT INDUSTRIAL AREA IMPROVEMENT PROJECT (PW 2007.13). 2. Approved the plans, bid and contract documents, specifications, and special provisions for the Front

Street and Orange Avenue Street Improvement Project. 3. Authorized the City Clerk to advertise and receive bids for this project. MOTION UNANIMOUSLY CARRIED.

22. AGREEMENT FOR SPORTS FIELD MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer. (F: 34.3A)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved an agreement in the amount of \$752,854.04 with Marina Landscape, Inc., of Anaheim, California, for sports field maintenance services. 2. Authorized the Mayor to execute and the City Clerk to attest, an agreement with Marina Landscape, Inc., substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

23. NOTICE OF COMPLETION FOR THE CALSENSE IRRIGATION EQUIPMENT INSTALLATION PROJECT submitted by Director of Public Works/City Engineer. (F: 69.8A)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Found that Nakae and Associates, of Irvine, California, has completed the installation of the Calsense Irrigation Equipment Installation Project. 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 for recordation to the Office of the County Recorder of Orange County, 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 \$11,571.00, 35 days after the recording date of the Notice of Completion, providing no Stop Notices are on file with the City preventing the release of the final payment. MOTION UNANIMOUSLY CARRIED.

24. REQUEST FOR PROPOSAL FOR ON-CALL CONTRACT ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F2)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the Request for Proposal

(RFP) for On-Call Contract Administration and Construction Inspection Services. 2. Authorized staff to solicit proposals for these services.
MOTION UNANIMOUSLY CARRIED.

25. MASTER PLAN FOR THE ROCKFIELD BOULEVARD STREETSCAPE PROJECT (PW 2003.02) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2003.02)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the Master Plan for the Rockfield Boulevard Streetscape Project. 2. Directed staff to complete the final construction plans and bid specifications for Phase 1 of the project.
MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

26. LIGHT INDUSTRIAL AREA UPDATE/ZONING ACTIONS submitted by Director of Development Services.

- A. STATUS UPDATE ON IMPLEMENTATION OF LIGHT INDUSTRIAL AREA REVITALIZATION ACTION PLAN submitted by Assistant City Manager. (F: 50.7A2)

ACTION: On motion by Mayor Tettermer and second by Council Member McCullough, the City Council received the update on implementation of the Revitalization Action Plan for the Light Industrial Area and provided direction as appropriate. MOTION UNANIMOUSLY CARRIED.

- B. ZONE CHANGE 2008-06 - LIGHT INDUSTRIAL AREA ZONE CHANGE - EL TORO PLANNED COMMUNITY submitted by Director of Development Services. (F: 50.7A2) (X: 50.7C3)

The following member of the public offered comments: Sue Waltman.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Introduced for first reading Ordinance No. 209 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-06 AND AMENDING THE EL TORO PLANNED COMMUNITY (ZC 2008-06). MOTION UNANIMOUSLY CARRIED.

- C. ZONE CHANGE 2009-04 - LIGHT INDUSTRIAL AREA DESIGN GUIDELINES submitted by Director of Development Services. (F: 50.7A2)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Introduced for first reading Ordinance No. 210 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2009-04 AND ADOPTING THE LIGHT INDUSTRIAL AREA DESIGN GUIDELINES. MOTION UNANIMOUSLY CARRIED.

27. ZONE CHANGE 2009-03, CITYWIDE DESIGN GUIDELINES submitted by Director of Development Services. (F: 50.17)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Introduced for first reading Ordinance No. 211 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2009-03, TO AMEND CHAPTER 9.184 OF THE MUNICIPAL CODE AND ADOPT THE CITYWIDE DESIGN GUIDELINES (ZC 2009-03). MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

28. APPEAL OF THE PLANNING COMMISSION APPROVAL OF USE PERMIT NO. 2009-16, A REQUEST TO PERMIT A 10,237 SQ. FT. MORTUARY AND WEDDING CHAPEL (FAIRHAVEN) IN AN EXISTING BUILDING, AN 855 SQ. FT. BUILDING EXPANSION, A 1,344 SQ. FT. FENCED PATIO, AND INTERIOR/EXTERIOR REMODELING, AT 23221 LAKE CENTER DRIVE submitted by Director of Development Services. (F: 23.5E11)

The following members of the public offered comments: Marla Noel, Louis V. Carlson, Jeff Goldfarb, Robert Glenn, and Michael Alecon.

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council adopted Resolution No. 2009-42 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REVERSING THE ACTION OF THE

PLANNING COMMISSION AND DENYING USE PERMIT NO. 2009-16, A REQUEST TO PERMIT A 10,237 SQ. FT. MORTUARY AND WEDDING CHAPEL (FAIRHAVEN) IN AN EXISTING BUILDING, AN 855 SQ. FT. BUILDING EXPANSION, A 1,344 SQ. FT. FENCED PATIO, AND INTERIOR/EXTERIOR REMODELING, AT 23221 LAKE CENTER DRIVE (Attachment No. 1). MOTION CARRIED WITH MAYOR TETTEMER AND MAYOR PRO TEM HERZOG OPPOSED.

29. PROPOSED SALE OF ORANGE COUNTY FAIRGROUNDS submitted by the Assistant to City Manager. (F: 72.2A)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council adopted City Council Resolution No. 2009-41 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REQUESTING GOVERNOR SCHWARZENEGGER IMMEDIATELY CANCEL THE SALE OF THE ORANGE COUNTY FAIRGROUNDS. MOTION UNANIMOUSLY CARRIED.

30. REPORT FROM CITY/CHAMBER AD HOC COMMITTEE AND PROPOSAL FROM LAKE FOREST CHAMBER OF COMMERCE submitted by Assistant City Manager. (F: 42.3)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council: 1. Received and filed the status report from the City/Chamber Ad Hoc Committee. 2. Reviewed and commented on the Letter of Intent (LOI) for an enhanced City/Chamber partnership, and directed staff to prepare a Professional Services Agreement consistent with the terms of the LOI. MOTION UNANIMOUSLY CARRIED.

31. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by Acting City Clerk. (F: 43.3B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek presented comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon offered comments.

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Mayor Pro Tem Herzog offered comments.

Mayor Tetteimer offered comments.

CONTINUED CLOSED SESSION: (F: 16.3)

There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 10:20 p.m.