

**PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL**

Regular Meeting of the City Council  
February 5, 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 City Council action. The City Council Minutes, when approved, stand as the official record of the meeting . This Preliminary Action Agenda is provided as quick reference only and is <u>NOT</u> 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.
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**CALL TO ORDER:**

6:03 p.m.

**ROLL CALL: Council Members:**

Richard T. Dixon  
Kathryn McCullough  
Marcia Rudolph  
Peter Herzog  
Mark Tettermer

Mayor Pro Tem:

Mayor:

City Manager:

City Attorney:

City Clerk:

Robert C. Dunek  
Scott C. Smith  
Sherry A.F. Wentz

**RECESS:** City Council recessed at 6:03 p.m., for the purpose of conducting Closed Session business.

**CLOSED SESSION**

6:03 p.m.

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957: City Attorney.
2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (4 properties: A - D)

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
- D. Property: A portion of County ownership South of Rancho Parkway. That portion of that certain land, in the City of Lake Forest, County of Orange, State of California, shown as Parcel 2 on a map recorded in Book 141, Pages 3 through 5, inclusive, of Parcel Maps, in the Office of the County Recorder of said county, described as follows: Beginning at the most easterly corner of said Parcel 2; thence Southwesterly along the generally southeasterly line of said Parcel the following courses:

1. South 37°31'15" West, 40.39 feet;
2. South 31°07'58" West, 245.33 feet;
3. South 46°07'29" West, 169.40 feet;
4. North 88°34'27" West, 204.27 feet;
5. South 72°30'41" West, 178.18 feet;
6. North 77°25'34" West, 210.06 feet;
7. South 62°23'08" West, 162.94 feet;
8. South 43°51'05" West, 147.26 feet;
9. South 52°59'46" West, 269.88 feet;
10. North 84°26'21" West, 368.01 feet;
11. South 35°38'11" West, 178.95 feet;
12. South 50°58'11" West, 14.00 feet;

Thence leaving said general southeasterly line, North 37°14'49" West, 325.40 feet; thence North 71°31'24" West, 96.40 feet; thence South 84°16'07" West, 230.93 feet; thence North 72°01'10" West, 141.28 feet; thence North 33°02'15" West, 60.32 feet; thence North

14°00'42" West, 78.36 feet; thence North 00°49'42" East, 253.78 feet; thence North 15°23'53" West, 164.91 feet; thence North 64°34'09" West, 44.32 feet; thence South 50°31'04" West, 118.42 feet; thence North 70°42'29" West, 104.71 feet; thence North 52°25'41" East, 89.80 feet; thence North 17°12'01" East, 115.29 feet; thence North 24°02'20" East 217.59 feet; thence North 30°25'26" West, 219.60 feet; thence North 71°16'40" West, 86.93 feet; thence North 86°00'00" West, 119.20 feet; thence South 49°03'01" West, 236.54 feet; thence North 36°56'59" West, 325.18 feet to a point on that certain course shown as having a bearing of North 81°42'06" East, and a length of 543.36 feet in the general northerly line of said Parcel 2, said point being distant South 81°42'06" West, 27.49 feet along said certain course from its easterly terminus; thence in a general easterly direction along said certain course and the general northerly line of said Parcel 2 the following courses:

1. North 81°42'06" East, 27.49 feet;
2. North 81°02'21" East, 467.33 feet;
3. South 15°03'15" West, 89.73 feet;
4. South 74°56'45" East, 625.00 feet;
5. North 15°03'15" East, 350.00 feet;
6. North 74°56'48" West, 44.46 feet;
7. North 80°05'35" East, 928.00 feet; and
8. North 79°09'10" East 407.67 to feet to the most northerly corner of said Parcel 2;

Thence South 36°09'29" East, 1319.54 feet along said northeasterly line of said Parcel 2 to the Point of Beginning.

EXCEPT that portion lying easterly and southerly of the generally westerly line of Tract No. 15925, as per map filed in Book 804, Pages 41 through 43, inclusive of Miscellaneous Maps, Records of said County.

ALSO EXCEPT therefrom that portion lying southwesterly of the common line between Rancho

Canada de Los Alisos and Rancho Trabuco as it traverses this property.

ALSO EXCEPT therefrom that portion lying southwesterly of the following described line:

Beginning at a point on Course 11 described above, distant thereon North 35°38'11" East, 20.00 feet from the southwesterly terminus of said line; thence northwesterly to a point on that certain course described above as having a bearing and length of "North 37°14'49" West, 325.40 feet", said point being distant North 37°14'49" West, 130.00 feet from the southeasterly terminus thereof.

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:50 p.m. from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:05 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:05 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Club Scouts from Den 1 and 6, Pack 765 of Lake Forest, led the Pledge of Allegiance to the Flag of our Country.

CLOSED SESSION REPORT: (F: 16.3)

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

PRESENTATIONS: (F: 55.1)

There were no items scheduled for Presentation.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

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

RECESS: City Council recessed at 7:10 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 8:11 p.m. with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following member of the public offered comments: Beckie Welty.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 1)

1. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$2,712,967.45. (F: 30.11)

**ACTION:** On motion by Council Member Dixon, and second by Mayor Pro Tem Herzog, the City Council approved the Warrant Register as submitted. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSTAINING ON WARRANTS PAYABLE TO SUNSET PROPERTY AND ROGER FAUBLE PUBLIC AFFAIRS.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 2-13) (Item No. 12 was pulled from the Consent Calendar for separate consideration).

2. 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 Council Member Dixon, and second by Mayor Pro Tem Herzog, the City Council waived the reading of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON JANUARY 2, 2008, submitted by 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 January 2, 2008, as submitted. MOTION UNANIMOUSLY CARRIED.

4. REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS submitted by City Clerk.

A. CERTIFICATE OF CONGRATULATIONS TO THE CITY OF MISSION VIEJO ON THE OCCASION OF ITS 20<sup>th</sup> ANNIVERSARY OF INCORPORATION (F: 55.2)

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

5. PROCUREMENT AND DEPLOYMENT OF WEB MANAGEMENT SOFTWARE submitted by Director of Management Services. (F: 52.4B4) (F: 52.4B2E)

**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 ACS, State and Local Solutions, Inc. (“ACS”) for computer support services to provide deployment services for web management software. 2. Approved and authorized the City Manager to execute the Software License Agreement with Civica for web management software. **MOTION UNANIMOUSLY CARRIED.**

6. **CONDOMINIUM CONVERSION ORDINANCE SIX MONTH NOTIFICATION** submitted by Director of Development Services. (F: 50.3)

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

7. **SIXTH AMENDMENT TO ACCOUNTING SERVICES AGREEMENT** submitted by Director of Finance. (F: 48.8E)

**ACTION:** On motion by Council Member Dixon, and second by Mayor Pro Tem Herzog, the City Council approved the Sixth Amendment to the Agreement with Moreland & Associates for accounting services. **MOTION UNANIMOUSLY CARRIED.**

8. **CLOSURE OF PORTOLA PARKWAY FOR CONVEYOR BRIDGE REMOVAL AT ROCKY ROAD/PURPOSE DRIVE** submitted by Director of Public Works/City Engineer. (F: 64.7)

**ACTION:** On motion by Council Member Dixon, and second by Mayor Pro Tem Herzog, the City Council authorized the closure of Portola Parkway for conveyor bridge removal at Rocky Road/Purpose Drive. **MOTION UNANIMOUSLY CARRIED.**

9. APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM submitted by the Director of Public Works/City Engineer. (F: 71.12D2)

**ACTION:** On motion by Council Member Dixon, and second by Mayor Pro Tem Herzog, the City Council adopted Resolution No. 2008-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE SUBMITTAL OF THE SIGNAL IMPROVEMENT PROJECT APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM. MOTION UNANIMOUSLY CARRIED.

10. APPROVAL OF PLANS AND SPECIFICATIONS FOR ASPHALT CONCRETE RESURFACING PROJECT ON VARIOUS CITY STREETS (PW 2007.17A) AND SLURRY SEAL IMPROVEMENTS ON VARIOUS CITY STREETS (PW 2007.17B) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17A&B)

**ACTION:** On motion by Council Member Dixon, and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the plans and specifications for the Asphalt Concrete Resurfacing Project on Various City Streets (PW 2007.17A). 2. Approved the plans and specifications for the Slurry Seal Improvements on Various City Streets (PW 2007.17B). 3. Authorized the City Clerk to advertise and receive bids for these projects. MOTION UNANIMOUSLY CARRIED.

11. REQUEST FOR PROPOSAL FOR DESIGN SERVICES FOR A RESTROOM/CONCESSION STRUCTURE AT HEROES PARK (PW 2007.21) submitted by Director of Community Services. (F: 34.3D PW 2007.21))

**ACTION:** On motion by Council Member Dixon and second by Mayor Pro Tem Herzog the City Council: 1. Approved the attached Request for Proposal for design and engineering services for an outdoor restroom and



concession stand at Heroes Park. 2. Authorized staff to solicit proposals from engineering firms for services. MOTION UNANIMOUSLY CARRIED.

12. REQUEST FOR PROPOSALS FOR CONSULTANT SERVICES – REVIEW AND EVALUATION OF CITY LANDSCAPE MAINTENANCE STANDARDS AND PLANT PALETTES submitted by Director of Public Works/City Engineer. (F: 34.1)

ACTION: On motion by Council Member Rudolph, and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the Request for Proposal for a Review and Evaluation of City Landscape Maintenance Standards and Plant Palettes. 2. Authorized staff to solicit proposals for this service. MOTION UNANIMOUSLY CARRIED.

13. AGREEMENT WITH THE COUNTY OF ORANGE REGARDING THE ALLOCATION OF CITY AID PROGRAM (CAP) FUNDING submitted by Director of Public Works/City Engineer. (F: 32.27)

ACTION: On motion by Council Member Rudolph, and second by Mayor Pro Tem Herzog, the City Council: 1. Approved the Agreement with the County of Orange for the City Aid Program, substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the Agreement. MOTION UNANIMOUSLY CARRIED.

14. APPEAL OF PLANNING COMMISSION AND AGENCY DENIAL OF TENTATIVE PARCEL MAP 2006-300 FOR SUBDIVISION OF EL TORO SQUARE LOCATED AT 24280 SWARTZ DRIVE submitted by Director of Development Services. (F: 23.5E4)

ACTION: On motion by Council Member Rudolph, and second by Mayor Pro Tem Herzog, the City Council: 1. Adopted Resolution No. 2008-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, DENYING THE APPEAL OF THE PLANNING COMMISSION'S DECISION ON TENTATIVE PARCEL

MAP NO. 2006-300 TO SUBDIVIDE EL TORO SQUARE SHOPPING CENTER LOCATED AT 24280 SWARTZ DRIVE, FURTHER DESCRIBED AS ASSESSOR'S PARCEL NUMBER 617-063-09 (TPM 2006-300). 2. Adopted Resolution No. R2008-02 entitled A RESOLUTION OF THE LAKE FOREST REDEVELOPMENT AGENCY DENYING THE APPEAL OF THE EXECUTIVE DIRECTOR'S DETERMINATION OF NONCONFORMANCE FOR THE PROPOSED TENTATIVE PARCEL MAP NO. TPM 2006-300. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

15. AN URGENCY ORDINANCE OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 1.01.200 OF THE LAKE FOREST MUNICIPAL CODE REGARDING PROSECUTORIAL DISCRETION FOR MUNICIPAL CODE VIOLATIONS submitted by City Attorney. (F: 40.2)

ACTION: On motion by Council Member Dixon, and second by Council Member Rudolph, the City Council waived further reading, read by title only and adopted Urgency Ordinance No. 182 entitled AN URGENCY ORDINANCE OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 1.01.200 OF THE LAKE FOREST MUNICIPAL CODE REGARDING PROSECUTORIAL DISCRETION FOR MUNICIPAL CODE VIOLATIONS. MOTION UNANIMOUSLY CARRIED.

16. UPDATE TO THE EL TORO REDEVELOPMENT PROJECT AREA DESIGN GUIDELINES – ZONE CHANGE NO. ZC 2006-03 submitted by Assistant City Manager. (F: 50.7A1)

ACTION: On motion by Council Member Dixon, and second by Council Member Rudolph, the City Council introduced and approved for first reading Ordinance No. 183 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AND ADOPTING ZONE CHANGE 2006-03 TO AMEND THE EL TORO REDEVELOPMENT PROJECT AREA DESIGN GUIDELINES as amended. MOTION UNANIMOUSLY CARRIED.

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 13.24 AND AMENDING SECTION 14.40.010 OF THE LAKE FOREST MUNICIPAL CODE REGARDING THE NAMING OF CITY OWNED PROPERTY AND STREETS submitted by City Attorney. (F: 26.18)

ACTION: On motion by Mayor Pro Tem Herzog, and second by Council Member Dixon, the City Council introduced and approved first reading of Ordinance No. 184 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 13.24 AND AMENDING SECTION 14.40.010 OF THE LAKE FOREST MUNICIPAL CODE REGARDING THE NAMING OF CITY OWNED PROPERTY AND STREETS. MOTION CARRIED WITH COUNCIL MEMBERS MCCULLOUGH AND RUDOLPH OPPOSING.

18. COUNCIL "CONSENSUS" ISSUES submitted by City Manager and City Attorney. (F: 26.1)

ACTION: On motion by Mayor Tetteimer, and second by Council Member Dixon, the City Council received and filed the report and provided direction as deemed appropriate by the City Council. MOTION UNANIMOUSLY CARRIED.

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

ACTION: Received and filed the report on the actions regarding the Memorandum of Understanding for the Serrano Creek Restoration.

20. LEGISLATIVE 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 recommended.

21. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by City Clerk. (F: 43.4B)

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 continued Closed Session.

ADJOURNMENT: (F: 26.8) 9:11 p.m.