

**PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL**

**Regular Meeting of the City Council
June 3, 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: 6:05 p.m.

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

RECESS: City Council recessed at 6:05 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION (F: 16.3) 6:05 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):
Three (3) Cases
 - 1. Case Name: City of Lake Forest v. Lake Forest Body Centre
Case No. 07CC1155
 - 2. Case Name: Julie Ho v. City of Lake Forest
Case No. 30-2008-00107142
 - 3. Case Name: ATLF v. City of Lake Forest
Case No. SACV 07-250 DOC (ANx)

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957: City Manager.

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:55 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:08 p.m. with all Members present, to continue regular City business.

PUBLIC SESSION

7:08 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Mayor Tettermer 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. He noted for the record, Mayor Tettermer's recusal from participation on the item relating to property negotiations on the Irvine Ranch Water District property.

PRESENTATIONS: (F: 55.1)

1. **REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS**
submitted by City Clerk.
 - A. **PROCLAMATION DECLARING THE MONTH OF JUNE 2008,**
AS "NATIONAL SAFETY MONTH" (F: 55.2)
 - B. **RECOGNITION OF SERVICE OF 2008 EL TORO HIGH SCHOOL**
STUDENT LIAISON BRITTNEY SLACK (F: 35.2)

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

2. **PRESENTATION BY ORANGE COUNTY TRANSPORTATION**
AUTHORITY REGARDING STATUS OF SOUTH ORANGE COUNTY
MAJOR INVESTMENT STUDY (SOCMIS) submitted by City Clerk.
(F: 67.3B)

ACTION: The City Council received the presentation by Orange County Transportation Authority.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

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

RECESS: City Council recessed at 7:35 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:49 p.m. with all Members present, to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Randy Barnaby, Chris Guanaguino, Norm Abbod, and Dr. Steve Marcum.

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

3. **WARRANT REGISTER** submitted by Director of Finance/City Treasurer in the amount of \$2,156,936.88. (F: 30.11)

Council Member Rudolph pulled the following warrants for purposes of clarification: Bonanza Steam Cleaning, Inc. and Vavrinek, Trine, Day & Co.

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council approved the remainder of the warrant register as submitted. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSTAINING ON WARRANTS PAYABLE TO ROGER FAUBLE PUBLIC AFFAIRS AND SUNSET PROPERTY SERVICES.**

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable for Bonanza Steam Cleaning, Inc. **MOTION UNANIMOUSLY CARRIED.**

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council approved the warrant payable for Vavrinek, Trine, Day & Co. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 4-15) (Item No. 8 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 Council Member Dixon and second by Council Member McCullough, the City Council waived the reading of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

5. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON APRIL 15, 2008, submitted by City Clerk.

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council approved the Minutes of the regular meeting of the City Council held on April 15, 2008, as submitted. MOTION UNANIMOUSLY CARRIED.

6. MONTHLY TREASURER'S REPORT submitted by Director of Finance/City Treasurer. (F: 30.12)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council received and filed the Monthly Treasurer's Report as submitted. MOTION UNANIMOUSLY CARRIED.

7. REVIEW THE CITY'S CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974 submitted by City Clerk. (F: 72.4J3b)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Directed the City Manager, or

designee, to have the City's Conflict of Interest Code reviewed pursuant to Government Code Section 87306.5. 2. File a statement of review with the City Clerk no later than October 1, 2008. 3. Revised the Conflict of Interest Code based upon such review, if necessary. MOTION UNANIMOUSLY CARRIED.

8. AMENDED AND RESTATED POLICES AND PROCEDURES FOR THE HOUSING REHABILITATION LOAN PROGRAM submitted by Assistant City Manager. (F: 73.7E)

ACTION: On motion by Mayor Pro Tem Herzog and second by City Council Member Dixon, the City Council Adopted Resolution No. 2008-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, UPDATING THE POLICIES AND PROCEDURES OF THE HOUSING REHABILITATION LOAN PROGRAM. MOTION UNANIMOUSLY CARRIED.

9. 2007 HOMELAND SECURITY GRANT PROGRAM submitted by Chief of Police Services. (F: 32.17)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council authorized the City Manager to accept the Agreement to Transfer Funds for the 2007 Homeland Security Grant Program. MOTION UNANIMOUSLY CARRIED.

10. 6-MONTH CONTRACT EXPIRATION NOTICE – PARADIGM IMAGING, INC. submitted by Director of Management Services. (F: 52.4B3)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council received and filed the report. MOTION UNANIMOUSLY CARRIED.

11. **SIX MONTH NOTICE OF CONTRACT EXPIRATION FOR TREE SERVICES** submitted by Director of Public Works/City Engineer. (F: 34.4A)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council received and filed the report. **MOTION UNANIMOUSLY CARRIED.**

12. **REQUEST FOR PROPOSAL FOR TRAFFIC ENGINEER SERVICES** submitted by Director of Public Works/City Engineer. (F: 48.8F)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Approved the Request for Proposal for Traffic Engineer Services. 2. Authorized staff to solicit proposals for these services. **MOTION UNANIMOUSLY CARRIED.**

13. **BID DOCUMENTS FOR THE UNIVERSALLY ACCESSIBLE PLAYGROUND PROJECT (PW 2007.23)** submitted by Director of Public Works/City Engineer. (F: 34.3B PW 2007.23)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Approved bid documents for the construction of the Universally Accessible Playground Project (PW 2007.23). 2. Authorized staff to solicit bids. 3. Authorized staff to procure play equipment and site furnishings through sole-source purchases in accordance with the City's Contract and Purchasing Guidelines and the Lake Forest Municipal Code. **MOTION UNANIMOUSLY CARRIED.**

14. **AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR TRAFFIC SIGNAL PREEMPTION (PW 2007.19)** submitted by Director of Public Works/City Engineer. (F: 66.8A PW 2007.19)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Approved the selection of DKS Associates for professional services for the Traffic Signal Preemption

Project. 2. Authorized the Mayor to execute an Agreement with DKS Associates, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

15. CONTRACT AWARD FOR MUIRLANDS BOULEVARD ARTERIAL HIGHWAY REHABILITATION PROJECT (PW 2005.05F) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2005.05F)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Awarded a construction contract, in the amount of \$1,108,177, to All American Asphalt, Inc. of Corona, California, for the Muirlands Boulevard Arterial Highway Rehabilitation Program (AHRP). 2. Upon receipt of the executed contract documents from All American Asphalt, rejected all other bids received and authorized return of the Bid Bonds. 3. Authorized the Mayor to sign, and the City Clerk to attest the contract with All American Asphalt, Inc. 4. Authorized the City Manager to approve contract change orders up to a maximum of ten percent of the contract amount. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARINGS:

16. CONSIDERATION OF ORDINANCE ESTABLISHING LAKE FOREST TRANSPORTATION MITIGATION PROGRAM submitted by City Manager and City Attorney. (F: 50.11D)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council introduced and approved for first reading Ordinance No. 186 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST AMENDING THE LAKE FOREST MUNICIPAL CODE BY ADDING CHAPTER 7.19 TO TITLE 7 OF THE LAKE FOREST MUNICIPAL CODE REGARDING THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM, AS AMENDED. MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING.

17. OPPORTUNITIES STUDY GENERAL PLAN AMENDMENT, ZONE CHANGES, PROGRAM EIR AND DEVELOPMENT AGREEMENTS submitted by Director of Development Services. (F: 50.11)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council:

1. Adopted Resolution No. 2008-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH#2004071039) PREPARED FOR THE CITY OF LAKE FOREST OPPORTUNITIES STUDY AND ADOPTING FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING PROGRAM FOR THE OPPORTUNITIES STUDY AREA. MOTION CARRIED WITH MAYOR PRO TEM HERZOG AND MAYOR TETTEMER ABSTAINING.

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council:

2. Introduced and approved for first reading Ordinance No. 187 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA) 2008-02 TO ALLOW FOR RESIDENTIAL USES, PUBLIC FACILITIES, COMMERCIAL USES AND MIXED USES WITHIN THE OPPORTUNITIES STUDY AREA, AS AMENDED. MOTION CARRIED WITH MAYOR PRO TEM HERZOG AND MAYOR TETTEMER ABSTAINING.

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council:

3. Introduced and approved for first reading Ordinance No. 188 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-01, SHEA/BAKER RANCH, TO REZONE 387 ACRES WITHIN THE BAKER RANCH PLANNED COMMUNITY FROM URBAN ACTIVITY TO RESIDENTIAL AND MIXED-USE IN THE BAKER RANCH PLANNED COMMUNITY, WITHIN THE OPPORTUNITIES STUDY

AREA, AS AMENDED. MOTION CARRIED WITH MAYOR PRO TEM HERZOG ABSTAINING.

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council:

4. Introduced and approved for first reading Ordinance No. 189 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-02, PORTOLA CENTER, TO REZONE 243 ACRES WITHIN THE PORTOLA HILLS PLANNED COMMUNITY TO ALLOW FOR RESIDENTIAL USES, PUBLIC FACILITIES, AND MIXED USES, WITHIN THE OPPORTUNITIES STUDY AREA. MOTION CARRIED WITH MAYOR PRO TEM HERZOG ABSTAINING.

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council:

5. Introduced and approved for first reading Ordinance No. 190 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-03, IRVINE RANCH WATER DISTRICT, TO REZONE 82 ACRES FROM AGRICULTURE (A1) TO MULTI-FAMILY RESIDENTIAL WITH A PLANNED DEVELOPMENT (R2-PD) OVERLAY, WITHIN THE OPPORTUNITIES STUDY AREA. MOTION CARRIED WITH MAYOR PRO TEM HERZOG AND MAYOR TETTEMER ABSTAINING.

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council:

6. Introduced and approved for first reading Ordinance No. 191 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-04, WHISLER, TO REZONE 13 ACRES FROM AGRICULTURAL (A1) TO SINGLE-FAMILY RESIDENTIAL WITH PLANNED DEVELOPMENT OVERLAY (RS-PD), WITHIN THE OPPORTUNITIES STUDY AREA. MOTION CARRIED WITH MAYOR PRO TEM HERZOG ABSTAINING.

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council:

7. Introduced and approved for first reading Ordinance 192 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-05, PACIFIC HERITAGE/PEACHWOOD, TO REZONE 18 ACRES IN THE SERRANO HIGHLANDS PLANNED COMMUNITY TO ALLOW FOR MEDIUM-DENSITY RESIDENTIAL WITHIN THE OPPORTUNITIES STUDY AREA. MOTION CARRIED WITH MAYOR PRO TEM HERZOG ABSTAINING.

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council:

8. Introduced and approved for first reading Ordinance No. 193 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 USA PORTOLA PROPERTIES, LLC FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ., AS AMENDED. MOTION CARRIED WITH MAYOR PRO TEM HERZOG ABSTAINING.

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council:

9. Introduced and approved for first reading Ordinance No. 194 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST, MADISON INVESTMENTS LP AND THE HEERS FAMILY TRUST FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ., AS AMENDED. MOTION CARRIED WITH MAYOR PRO TEM HERZOG ABSTAINING.

DISCUSSION/ACTION ITEMS:

18. **STEP ONE GO LOCAL GRANT PROGRAM: TRANSIT NEEDS ASSESSMENT** submitted by Assistant City Manager. (F:32.24)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council directed City staff to carry this item to the next regular City Council Meeting. **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: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council directed City staff to carry this item to the next regular City Council Meeting. **MOTION UNANIMOUSLY CARRIED.**

20. **LEGISLATIVE MATTERS** submitted by Assistant to the City Manager. (F: 72.2B)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council directed City staff to carry this item to the next regular City Council Meeting. **MOTION UNANIMOUSLY CARRIED.**

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: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council directed City staff to carry this item to the next regular City Council Meeting. MOTION UNANIMOUSLY CARRIED.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek offered no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon presented no comments.

Council Member McCullough presented no comments.

Council Member Rudolph presented no comments.

Mayor Pro Tem Herzog presented no comments.

Mayor Tetteimer presented no comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 11:05 p.m.