



AGENDA
LAKE FOREST CITY COUNCIL

**Regular Meeting of the City Council
November 6, 2007**

**Lake Forest City Hall
25550 Commercentre Drive
City Council Chamber
Lake Forest, California 92630**

NOTICE: Pursuant to Lake Forest Municipal Code Section 2.04.010, Regular Meetings of the City Council are held the First and Third Tuesday of each month at the hour of 6:00 p.m. for Closed Session matters, if required. The Public Session of the meeting shall commence at 7:00 p.m. or as soon thereafter as possible.

AGENDA ON THE INTERNET: The Agenda is available through the Internet at www.ci.lake-forest.ca.us. You can access the document on the Friday before the meeting on Tuesday. A brief summary of the actions taken at the meeting will be posted on the Internet the Thursday following the meeting.

AGENDA DOCUMENT REVIEW: The full Agenda including all back up information is available at City Hall, 25550 Commercentre Dr., Lake Forest, California, on the Friday prior to the Tuesday meeting.

AGENDA DESCRIPTION: The Agenda descriptions are intended to give notice to members of the public of a general summary of items of business to be transacted or discussed. The listed Recommended Action represents staff's recommendation. The City Council may take any action, which it deems to be appropriate on the agenda item and is not limited in any way by the recommended action.

CALL TO ORDER:

6:00 P.M.

ROLL CALL: Council Members:

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

Mayor Pro Tem:
Mayor:

City Manager:
City Attorney:
City Clerk:

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

CLOSED SESSION**6:00 p.m.**

CLOSED SESSION: At this time the City Council may recess to Closed Session for conference with Legal Counsel to discuss the items listed below pursuant to Government Code requirements. Any items not concluded by 7:00 p.m. may be continued to the end of the Public Session.

1. CONFERENCE WITH LEGAL COUNSEL REGARDING THE FOLLOWING:
 - A. Initiation of Litigation pursuant to Government Code Section 54956.9(c): One (1) Case

RECOMMENDED ACTION: Conduct Closed Session.

RECESS: City Council will recess from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council will reconvene, to continue regular City business.

PUBLIC SESSION**7:00 p.m.**

PUBLIC SESSION: At this time the City Council will convene to consider public matters. Those wishing to address the City Council must submit a completed "Request to Speak" form to the City Clerk prior to City Council action.

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

CLOSED SESSION REPORT: City Attorney will report on Closed Session.

PRESENTATIONS:

No items are scheduled for Presentations.

REPORT FROM STUDENT LIAISON: Report from Brittney Slack, Student Liaison from El Toro High School.

RECESS: City Council will recess for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council will reconvene to continue regular City business.

PUBLIC COMMENTS:

At this time members of the public may address the City Council regarding any items within the subject matter jurisdiction of the City Council. **NO** action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person and an overall time limit of thirty minutes for the Public Comments portion of the agenda.

Any person wishing to address the City Council on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council.

Whenever possible, lengthy testimony should be presented to the City Council in writing (8 copies) and only pertinent points presented orally. Additionally, a "Request to Register Written Comments" form is available at the desk of the City Clerk.

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

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

1. **WARRANT REGISTER** submitted by Director of Finance/City Treasurer in the amount of \$2,376,274.26.

RECOMMENDED ACTION: Approve as submitted.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 2-11)

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

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.**

RECOMMENDED ACTION: Waive reading of Ordinances and Resolutions.

3. ADOPTION OF ORDINANCE NO. 174 submitted by City Clerk.

RECOMMENDED ACTION: 1. Conduct second reading of Ordinance No. 174 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING ZONE CHANGE 2004-02 FOR THE SHAH PROPERTY (APN 856-012-05, 06) AMENDING TITLE IX, "PLANNING AND ZONING," TO ADD CHAPTER 9.__, "CANYON COMMERCIAL DISTRICT," AND CHAPTER 9.__, "PORTOLA BLUFF RESIDENTIAL DISTRICT," AND CHAPTER 9.__, "OPEN SPACE CONSERVATION DISTRICT," TO THE LAKE FOREST MUNICIPAL CODE (ZC 2004-02). 2. Adopt Ordinance No. 174 as submitted.

4. CITY COUNCIL MEETING CALENDAR FOR 2008 submitted by City Clerk.

RECOMMENDED ACTION: 1. Approve a Budget Workshop on Tuesday, May 13, 2008. 3. Approve the City Council Meeting Calendar for 2008.

5. 2007 JUSTICE ASSISTANCE GRANT FUND DISTRIBUTION AGREEMENT submitted by Chief of Police Services.

RECOMMENDED ACTION: 1. Approve the Agreement to Transfer Funds for 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. 2. Authorize the City Manager to sign as the sub-grantee, and the City Clerk to attest, the Agreement with the County of Orange.

6. AWARD OF CONTRACT FOR CITY HALL JANITORIAL SERVICES submitted by Director of Public Works/City Engineer.

RECOMMENDED ACTION: Approve the selection of Bell Building Maintenance Company to provide janitorial services for City Hall. 2. Authorize the Mayor to sign, and the City Clerk to attest, the contract documents.

7. FIFTH AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH AUSTIN FOUST ASSOCIATES submitted by Director of Development Services.

RECOMMENDED ACTION: 1. Approve Fifth Amendment for Traffic Analysis Services for Phase 3 of the Opportunities Study with Austin Foust Associates, substantially in the form attached. 2. Authorize the Mayor to sign the Fifth Amendment with Austin Foust Associates.

8. FIFTH AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH NUQUEST VENTURES submitted by Director of Development Services.

RECOMMENDED ACTION: 1. Approve Fifth Amendment for Program Management Services for Phase 3 of the Opportunities Study with Nuquest Ventures, substantially in the form attached. 2. Authorize the Mayor to sign the Fifth Amendment with Nuquest Ventures.

9. AMENDMENT NO. 12 TO COOPERATIVE AGREEMENT NO. C-95-981 BETWEEN THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF LAKE FOREST submitted by Director of Public Works/City Engineer.

RECOMMENDED ACTION: 1. Adopt a Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AMENDMENT NO. 12 TO COOPERATIVE AGREEMENT NO. C-95-981 BETWEEN THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF LAKE FOREST. 2. Authorize the Mayor to execute Amendment No. 12 to Cooperative Agreement No. C-95-981, substantially in the form attached. 3. Direct the City Clerk to forward the signed copy of Amendment No. 12 to the Orange County Transportation Authority.

10. **CONTRACT CHANGE ORDER FOR THE EL TORO ROAD TRAFFIC AND LANDSCAPE IMPROVEMENT PROJECT (PW 2003.08)** submitted by Director of Public Works/City Engineer.

RECOMMENDED ACTION: Authorize the City Manager to approve the Contract Change Order No. 5 with Excel Paving for the El Toro Road Traffic and Landscape Improvement Project, substantially in the form attached.

11. **STATUS OF COMPLIANCE WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMITS FIRST QUARTER FISCAL YEAR 2007-2008** submitted by Director of Public Works/City Engineer.

RECOMMENDED ACTION: Receive and file.

CONTINUED PUBLIC HEARING:

Public Hearings are scheduled for a time certain of 7:00 p.m. or as soon thereafter as possible. City Council, when considering the matter scheduled for hearing, will take the following actions: 1. Open the Public Hearing. 2. Receive staff report. 3. Accept public testimony. 4. City Council comments and questions. 5. Take appropriate action. Those wishing to address the City Council during the Public Hearing must complete a "Request to Speak" form and provide it to the City Clerk prior to the hearing.

12. **MUNICIPAL CODE RECODIFICATION** submitted by Director of Management Services.

RECOMMENDED ACTION: Introduce and approve for first reading an Ordinance entitled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING, RESTATING, AND RECODIFYING TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE.**

PUBLIC HEARING:

Public Hearings are scheduled for a time certain of 7:00 p.m. or as soon thereafter as possible. City Council, when considering the matter scheduled for hearing, will take the following actions: 1. Open the Public Hearing. 2. Receive staff report. 3. Accept public testimony. 4. City Council comments and questions. 5. Take appropriate action. Those wishing to address the City Council during the Public Hearing must complete a "Request to Speak" form and provide it to the City Clerk prior to the hearing.

13. ADOPTION OF THE 2007 CALIFORNIA BUILDING AND FIRE CODES submitted by Director of Development Services.

RECOMMENDED ACTION: 1. Introduce and approve for first reading an Ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.14, 8.16 AND 8.20 OF TITLE 8 OF THE LAKE FOREST MUNICIPAL CITY CODE AND ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2007 CALIFORNIA BUILDING CODE, (INCORPORATING AND AMENDING THE 2006 INTERNATIONAL BUILDING CODE), THE 2007 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2005 NATIONAL ELECTRICAL CODE), THE 2007 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2006 UNIFORM MECHANICAL CODE), AND THE 2007 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2006 UNIFORM PLUMBING CODE). 2. Introduce and approve for first reading an Ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING TITLE 8, BY REPEALING CHAPTER 8.24 OF THE LAKE FOREST MUNICIPAL CODE AND BY ADDING A NEW CHAPTER 8.24, ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA FIRE CODE, AND THE INTERNATIONAL FIRE CODE, 2006 EDITION, WITH ERRATA, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INCLUDING APPENDIX CHAPTER 1, APPENDIX B, AND APPENDIX C FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO THE LIFE AND PROPERTY FROM FIRE OR EXPLOSION, SAVE AND EXCEPT SUCH PORTIONS AS ARE HEREINAFTER ADDED, DELETED, MODIFIED OR AMENDED.

DISCUSSION/ACTION ITEMS:

The following matters are for City Council consideration/discussion/action. Members of the public may have the opportunity to address these items if they wish to do so. Please complete the "Request to Speak" form and give to the City Clerk.

14. **ACTION TO PROCLAIM TERMINATION OR CONTINUING EXISTENCE OF A LOCAL EMERGENCY** submitted by City Attorney and City Clerk.

RECOMMENDED ACTION: Make determination regarding status of local emergency and adopt appropriate Resolution to either terminate the local emergency and adopt Resolution entitled **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, PROCLAIMING THE TERMINATION OF A LOCAL EMERGENCY** or continue the local emergency and adopt Resolution entitled **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, PROCLAIMING THE CONTINUING EXISTENCE OF A LOCAL EMERGENCY.**

15. **VOLUNTARY LAKE FOREST GREEN HOME EDUCATION PROGRAM INFORMATION MATERIALS** submitted by Director of Development Services.

RECOMMENDED ACTION: Approve the voluntary Lake Forest Green Home Education Program.

16. **ACTIONS REGARDING MEMORANDUM OF UNDERSTANDING FOR THE SERRANO CREEK RESTORATION** submitted by Director of Public Works/City Engineer.

RECOMMENDED ACTION: Receive and file.

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

RECOMMENDED ACTION: City Council discretion.

CITY MANAGER'S REPORT:

At this time the City Manager may comment on agenda and non-agenda items; and report on items of interest to the City Council and community.

CITY COUNCIL COMMENTS:

At this time City Council Members may comment on agenda or non-agenda matters. No discussion may take place on any item not appearing on the posted agenda. Council Members may ask a question for clarification, respond to statements made or questions posed by the public, make a brief announcement, or make a brief report on his or her own activities. In addition, the City Council may refer to staff or other resources for factual information, request staff to report back at a subsequent meeting or direct staff to place a matter of business on a future agenda. No action may be taken on non-agenda matters unless authorized by law (Government Code Section 54954.2).

Council Member Herzog:

Council Member McCullough:

Council Member Rudolph:

Mayor Pro Tem Tetteimer:

Mayor Dixon:

CLOSED SESSION:

At this time the City Council may recess to Closed Session for conference with Legal Counsel to discuss the items listed below pursuant to Government Code requirements. This matter is continued from the 6:00 p.m. portion of this agenda.

RECOMMENDED ACTION: Conduct continued Closed Session.

ADJOURNMENT:



In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this Meeting, including auxiliary aids or services, you should contact the Office of the City Clerk at (949) 461-3400. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and agenda back-up materials can be obtained from the Office of the City Clerk on the Friday prior to the City Council meeting. Agenda and agenda packets, if requested, will be make available in an appropriate alternative format to persons with a disability as required by the Americans With Disabilities Act. Copies of the agenda are provided at no cost and agenda back-up materials are available at the per page copy cost. If you wish to be added to the mailing list to receive a copy of the agenda, request must be provided to the City Clerk in writing.

The City of Lake Forest mailing address is 25550 Commercentre Drive, Lake Forest, California 92630.
Phone: (949) 461-3400. FAX (949) 461-3511.

CERTIFICATION: I, Sherry A.F. Wentz, City Clerk of the City of Lake Forest, California, hereby certify that the foregoing agenda was posted for public review on Thursday, November 1, 2007, at 6:00 p.m.

Sherry A.F. Wentz, CMC
City Clerk