

PRELIMINARY ACTION AGENDA LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
July 1, 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:

Mayor:

City Manager:

City Attorney:

City Clerk:

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

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)
- B. Initiation of litigation pursuant to Government Code Section 54956.9:
One Case.

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 7:10 p.m. with all Members present, to continue regular City business.

PUBLIC SESSION

7:10 p.m.

PLEDGE OF ALLEGIANCE (F: 26.21)

Mayor Pro Tem Herzog led the pledge of Allegiance to the Flag of our Country.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith reported on actions from Closed Session.

PRESENTATIONS: (F: 55.1)

**1. REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS
submitted by City Clerk. (F: 55.5) (X: 59.2A)**

**A. CERTIFICATES OF RECOGNITION TO THE MEMBERS OF THE
EL TORO HIGH SCHOOL BASEBALL TEAM, INDIVIDUAL
EFFORTS OF CHAD THOMPSON, AND COACHING STAFF**

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

**RECESS: City Council recessed at 7:21 p.m. for the purpose of conducting
Redevelopment Agency business.**

**RECONVENE: City Council reconvened at 7:22 p.m. with all Members present,
to continue regular City business.**

**RECESS: City Council recessed at 7:22 p.m. for the purpose of conducting
Rancho Cañada Financing Authority business.**

**RECONVENE: City Council reconvened at 7:23 p.m. with all Members present,
to continue regular City business.**

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Dawn Zalfa, Becky Levy, Andy O'Connor, Michael Salles, and Peter Balentine.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 2)

2. **WARRANT REGISTER** submitted by Director of Finance/City Treasurer in the amount of \$2,413,953.14. (F: 30.11)

Council Member Rudolph pulled the following warrants for purposes of clarification: Alliant Insurance Services, Photographic Images by Dwayne & Associates, and RJM Design Group, Inc.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, 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 Dixon, the City Council approved the warrant payable for Alliant Insurance Services. **MOTION UNANIMOUSLY CARRIED.**

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable for Photographic Images by Dwayne & Associates. **MOTION UNANIMOUSLY CARRIED.**

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

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 3-11) (Item No. 8 was pulled from the Consent Calendar for separate consideration.)

3. 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.

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

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

5. MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL HELD ON MAY 27, 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 special meeting of the City Council held on May 27, 2008, as submitted. MOTION UNANIMOUSLY CARRIED.

6. QUARTERLY REPORT ON COMMISSION ATTENDANCE submitted by City Clerk. (F: 23.4)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council approved the Commission absences as excused. MOTION UNANIMOUSLY CARRIED.

7. **CELEBRATION ROAD CLOSURES AND RELATED ACTIVITIES – JULY 4, 2008, submitted by Director of Community Services. (F: 64.7) (F: 63.2)**

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Approved road closures of race and parade route from 5:00 A.M. – 12:30 P.M. on July 4, 2008. 2. Directed Public Works to provide required traffic control devices and crews for road closures. 3. Directed Police Services to staff road closures and patrol events. 4. Approved street sweeping of route before race and after parade.
MOTION UNANIMOUSLY CARRIED.

8. **REQUEST FOR PROPOSAL FOR THE EL TORO ROAD STREETSCAPE PROJECT – PHASE 1 (PW 2007.02) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.02)**

ACTION: 1. On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council approved the Request for Proposal (RFP) for the El Toro Road Streetscape Project – Phase 1 between Muirlands Boulevard and Jeronimo Road. 2. Authorized staff to solicit proposals for these professional services. **MOTION UNANIMOUSLY CARRIED.**

9. **FIRST AMENDMENT TO AGREEMENT FOR BUS SHELTER AND CONCRETE BUS BENCH MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer. (F: 11.4E3)**

ACTION: 1. On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council approved the First Amendment to Agreement for Bus Shelter and Concrete Bus Bench Maintenance Services with ShelterClean, Inc., substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the contract amendment.
MOTION UNANIMOUSLY CARRIED.

10. **SIX MONTH NOTICE OF CONTRACT EXPIRATION: STREET SWEEPING SERVICES** submitted by Director of Public Works/City Engineer. (F: 64.5A)

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

11. **NOTICE OF COMPLETION FOR THE ASPHALT CONCRETE RESURFACING PROJECT ON VARIOUS CITY STREETS** (PW 2007.17A) submitted by Director of Public Works/City Engineer. (F: 64.4A 2007.17A)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council: 1. Found that Hardy and Harper, Inc. of Santa Ana, California, had completed the construction of the Asphalt Concrete Resurfacing Project on Various City Streets (PW 2007.17A). 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 (10%) retention, in the amount of \$23,679.45, 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.**

CONTINUED PUBLIC HEARING:

12. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE LAKE FOREST MUNICIPAL CODE AND PLANNED COMMUNITY TEXTS REGARDING MASSAGE ESTABLISHMENTS** submitted by Director of Development Services and City Attorney. (F: 50.10)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council continued the second reading of the Ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE LAKE FOREST MUNICIPAL CODE AND PLANNED COMMUNITY TEXTS REGARDING MASSAGE ESTABLISHMENTS. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

13. **DISCUSSION REGARDING GENERAL PLAN CIRCULATION ELEMENT** submitted by Director Public Works/City Engineer and Director of Development Services. (F: 31.2A)

ACTION: The City Council received and filed the General Plan Circulation Element report.

14. **ADOPTION OF ORDINANCE NOS. 186-187 AND 190** submitted by City Attorney and City Clerk.

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council adopted Ordinance No. 186 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, 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. MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING. (F: 50.11C)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council adopted Ordinance No. 187 as submitted 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. MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING. (F: 50.11)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council adopted Ordinance No. 190 as submitted 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 TEMETTER ABSTAINING. (F: 50.11)

- 15. ADOPTION OF ORDINANCE NOS. 188-189 AND 191-194 submitted by City Attorney and City Clerk.**

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council adopted Ordinances 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. MOTION CARRIED WITH MAYOR PRO TEM HERZOG OPPOSING. (F: 50.11)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council adopted Ordinances No. 189 entitled Ordinance No. 189 - 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 COUNCIL MEMBER RUDOLPH OPPOSING. (F: 50.11)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council adopted 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 COUNCIL MEMBER RUDOLPH OPPOSING. (F: 50.11)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council adopted Ordinance No. 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 COUNCIL MEMBER RUDOLPH OPPOSING. (F: 50.11)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council adopted 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. MOTION CARRIED WITH MAYOR PRO TEM HERZOG OPPOSING. (F: 50.11B6) (X: 50.11)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council adopted 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. MOTION CARRIED WITH MAYOR PRO TEM HERZOG
OPPOSING. (F: 50.11B5) (X: 50.11)

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

ACTION: The City Council received and filed the report.

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

ACTION: The City Council received and filed the report with minute action to adopt positions on various legislative proposals as recommended.

18. 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 Tettemer presented comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 10:25 p.m.