## PRELIMINARY ACTION AGENDA LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council August 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 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: 6:03 p.m.

ROLL CALL: Council Members: Richard T. Dixon

Kathryn McCullough

Marcia Rudolph

Mayor Pro Tem: Peter Herzog Mayor: Mark Tettemer

City Manager: Robert C. Dunek
City Attorney: Scott C. Smith
City Clerk: Sherry A.F. Wentz

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

CLOSED SESSION: (F: 16.3) 6:03 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 LABOR NEGOTIATOR: Robert Dunek, City Manager, pursuant to Government Code Section 54957.6 Title: Unrepresented Employees.

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One (1) case.

4. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9: Two (2) Cases.

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:07 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:15 p.m., with all Members present to continue regular City business.

PUBLIC SESSION 7:15 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Council Member Rudolph led the pledge of Allegiance to the Flag of our County.

CLOSED SESSION REPORT: (F: 16.3)

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

PRESENTATIONS: (F: 55.1)

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

A. RECOGNITION OF 2008 PARADE VOLUNTEERS, SPONSORS AND TROPHY WINNERS (X: 55.5)(X: 63.2)

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

RECESS: City Council recessed at 7:38 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:42 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, Dr. James Gardner, and Lisa Schoeneberger.

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

2. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$2,253,153.72. (F: 30.11)

Council Member Rudolph pulled the following warrants for purposes of clarification: Avila's El Ranchito Grill, Bonanza Steam Cleaning, Inc., California State Associate of Counties Excess Insurance Authority, County of Orange Auditor-Controller, and Pacific Party Rental.

Council Member McCullough pulled the following warrants for purposes of clarification: Fair Housing Council of Orange County and Victor J. Veturis DBA: Semper Fi Mac.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council approved the balance 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 warrant payable to Avila's El Ranchito. MOTION UNANIMOUSLY CARRIED.

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

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved warrant payable to California State Associate of Counties Excess Insurance Authority. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved warrant payable to County of Orange Auditor-Controller. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved warrant payable to Pacific Party Rental. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member McCullough and second by Mayor Pro Tem Herzog, the City Council approved warrant payable to Fair Housing Council of Orange County. MOTION UNANIMOUSLY CARRIED.

ACTION: On motion by Council Member McCullough and second by Mayor Pro Tem Herzog, the City Council approved warrant payable to Victor J. Veturis DBA: Semper Fi Mac. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 3-18) (Item No. 5, 8, 9, 10, and 16 were 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 Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council waived reading by title of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

4. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JUNE 17, 2008, submitted by City Clerk.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved the Minutes of the regular meeting of the City Council held on June 17, 2008. MOTION UNANIMOUSLY CARRIED.

5. ADOPTION OF ORDINANCE NO. 195 submitted by City Clerk. (F: 50.10)

ACTION: 1. On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Conducted the second reading of Ordinance No. 195 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 ESTABLISHMENT ZONING RESTRICTIONS AND ENACTING AN AMORTIZATION PERIOD FOR NON-CONFORMING MASSAGE ESTABLISHMENTS. 2. Adopted Ordinance No. 195 as submitted. MOTION CARRIED WITH COUNCIL MEMBER DIXON OPPOSING.

6. CONDOMINIUM CONVERSION ORDINANCE REVIEW submitted by Director of Development Services. (F: 50.3E)

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

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

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

8. ADOPTION OF DEPOSIT/FEES RELATED TO EXISTING LICENSED MASSAGE ESTABLISHMENTS submitted by Director of Development Services. (F: 30.16A)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council adopted Resolution No. 2008-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING NEW DEPOSIT/FEES RELATED

## TO EXISTING LICENSED MASSAGE ESTABLISHMENTS. MOTION CARRIED WITH COUNCIL MEMBER DIXON OPPOSING.

9. 2008 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT ASSISTANCE PROGRAM submitted by Chief of Police Services. (F: 32.28)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council authorized the Chief of Police Services to sign the standard agreement with the State of California to accept grant funding from the Department of Alcoholic Beverage Control. MOTION UNANIMOUSLY CARRIED.

10. MASS NOTIFICATION SYSTEM submitted by Chief of Police Services. (F: 24.16)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member McCullough, the City Council continued the approval of the Memorandum of Understanding (MOU) between the County of Orange and the City of Lake Forest for the provision of a Countywide Mass Notification System to the September 2, 2008, Council Meeting. MOTION UNANIMOUSLY CARRIED.

11. FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH AMIES COMMUNICATIONS submitted by Assistant City Manager. (F: 48.8J3)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved the First Amendment to the Agreement with Amies Communications to increase the contract amount to continue providing consultant services for economic development and redevelopment marketing and public information. MOTION UNANIMOUSLY CARRIED.

- 12. APPROVE MASTER AGREEMENT NO. 12-5469R ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS submitted by Director of Public Works/City Engineer. (F: 72.4B6B) ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council adopted Resolution No. 2008-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE REVISED "MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS" TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 12-5469R WITH THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION. MOTION UNANIMOUSLY CARRIED.
- 13. AWARD OF ENGINEERING SERVICES AGREEMENT FOR THE LIGHT INDUSTRIAL AREA STREET IMPROVEMENT PROJECT (PW 2007.13) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.13)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph the City Council: 1. Approved the selection of Stantec Consulting Inc., for Engineering Services for the Light Industrial Area Street Improvement Project (PW 2007.13). 2. Authorized the Mayor to execute an agreement with Stantec Consulting Inc., substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

14. APPROVAL OF PLANS AND SPECIFICATIONS FOR THE ASPHALT REHABILITATION PROJECT ON VARIOUS CITY STREETS (PW 2007.17C) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17C)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the plans and specifications for the Asphalt Rehabilitation Project on Various City Streets (PW 2007.17C). 2. Authorized the City Clerk to advertise and receive bids for this project. MOTION UNANIMOUSLY CARRIED.

15. APPROVAL OF CONSTRUCTION PLANS AND SPECIFICATIONS FOR THE LAKE FOREST DRIVE STORM DRAIN IMPROVEMENTS (PW 2007.24) submitted by Director of Public Works/City Engineer. (F: 60.6H PW 2007.24)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the plans and specifications for the Lake Forest Drive Storm Drain Improvements.

2. Authorized the City Clerk to advertise and receive bids for this project. MOTION UNANIMOUSLY CARRIED.

16. CONCEPTUAL PLANS – ALTON, FOOTHILL COMMUNITY AND RANCHWOOD PARKS PLAY EQUIPMENT AND BORREGO PARK SHADE STRUCTURES submitted by Director of Community Services. (F34.3B PW 2007.22A&B)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council: 1. Approved conceptual plans for Alton, Foothill Ranch Community and Ranchwood Parks play equipment and Borrego Park shade structure. 2. Authorized staff to direct the architect to develop final plans and specifications. MOTION UNANIMOUSLY CARRIED.

17. REQUEST FOR PROPOSAL FOR DESIGN SERVICES FOR EXPANSION AT ETNIES SKATEPARK OF LAKE FOREST submitted by Director of Community Services. (F: 46.9A PW 2007.25)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the attached Request for Proposal for design services for the expansion of the Etnies Skatepark of Lake Forest. 2. Authorized staff to solicit proposals from firms for design services. MOTION UNANIMOUSLY CARRIED.

18. NOTICE OF COMPLETION FOR STREET RESURFACING AND SLURRY SEAL PROJECT ON VARIOUS CITY STREETS (PW 2005.05D&E) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2005.05D&E)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Found that All American Asphalt of Corona, California, has completed the construction of the Street Resurfacing and Slurry Seal Project on Various City Streets (PW 2005.05D&E).

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 (10) days of the City Council approval, as required by Section 3093 of the California Civil Code.

4. Authorized the ten percent (10%) retention payment in the amount of \$147,347.94 to the contractor for 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.

## **DISCUSSION/ACTION ITEMS:**

19. OPPORTUNITIES STUDY DEVELOPMENT AGREEMENT FOR IRVINE RANCH WATER DISTRICT submitted by Director of Development Services. (F: 50.11B3)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council introduced and approved for first reading Ordinance No. 196 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 IRVINE RANCH WATER DISTRICT FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ. MOTION CARRIED WITH MAYOR TETTEMER ABSTAINING AND MAYOR PRO TEM HERZOG OPPOSING.

20. OPPORTUNITIES STUDY DEVELOPMENT AGREEMENT FOR WHISLER TRUST submitted by Director of Development Services. (F: 50.11B7)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council introduced and approved for first reading Ordinance No. 197 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 THE ELMER H. WHISLER 1994 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.

21. ACTION 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.

22. ADJUSTMENT OF COUNCIL MEMBER AND COMMISSIONER COMPENSATION submitted by Director of Finance/City Treasurer. (F: 26.1) (X: 23.1)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Introduced Ordinance No. 198 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 2.04.050 OF THE LAKE FOREST MUNICIPAL CODE AND ADJUSTING COMPENSATION FOR THE CITY COUNCIL MEMBERS.

2. Adopted Resolution No. 2008-27 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADJUSTING COMPENSATION FOR CITY COMMISSIONERS. MOTION UNANIMOUSLY CARRIED.

23. LEGISLATIVE AND REGULATORY 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.

24. 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 presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon presented no comments.

Council Member McCullough presented comments.

Council Member Rudolph presented comments.

Mayor Pro Tem Herzog presented no comments.

Mayor Tettemer presented comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 8:55 p.m.