



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

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:

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

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. 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.

RECOMMENDED ACTION: Conduct Closed Session.

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 Mayor Tettemer.

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 \$2,712,967.45.

RECOMMENDED ACTION: Approve as submitted.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 2-12)

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 submitted by City Clerk.

RECOMMENDED ACTION: Waive reading of Ordinances and Resolutions.

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON JANUARY 2, 2008, submitted by City Clerk.

RECOMMENDED ACTION: Approve as submitted.

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 20th ANNIVERSARY OF INCORPORATION

RECOMMENDED ACTION: Approve as submitted.

5. PROCUREMENT AND DEPLOYMENT OF WEB MANAGEMENT SOFTWARE submitted by Director of Management Services.

RECOMMENDED ACTION: 1. Approve 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. Approve and authorize the City Manager to execute the Software License Agreement with Civica for web management software.

6. CONDOMINIUM CONVERSION ORDINANCE SIX MONTH NOTIFICATION submitted by Director of Development Services.

RECOMMENDED ACTION: City Council discretion.

7. SIXTH AMENDMENT TO ACCOUNTING SERVICES AGREEMENT submitted by Director of Finance.

RECOMMENDED ACTION: Approve the Sixth Amendment to the Agreement with Moreland & Associates for accounting services.

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

RECOMMENDED ACTION: Authorize the closure of Portola Parkway for conveyor bridge removal at Rocky Road/Purpose Drive.

9. APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM submitted by the Director of Public Works/City Engineer.

RECOMMENDED ACTION: Adopt a Resolution 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.

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.

RECOMMENDED ACTION: 1. Approve the plans and specifications for the Asphalt Concrete Resurfacing Project on Various City Streets (PW 2007.17A). 2. Approve the plans and specifications for the Slurry Seal Improvements on Various City Streets (PW 2007.17B). 3. Authorize the City Clerk to advertise and receive bids for these projects.

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

RECOMMENDED ACTION: 1. Approve the attached Request for Proposal for design and engineering services for an outdoor restroom and concession stand at Heroes Park. 2. Authorize staff to solicit proposals from engineering firms for services.

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.

RECOMMENDED ACTION: 1. Approve the Request for Proposal for a Review and Evaluation of City Landscape Maintenance Standards and Plant Palettes. 2. Authorize staff to solicit proposals for this service.

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

RECOMMENDED ACTION: 1. Approve the Agreement with the County of Orange for the City Aid Program, substantially in the form attached. 2. Authorize the Mayor to sign, and the City Clerk to attest, the Agreement.

JOINT PUBLIC HEARING:

Public Hearings are scheduled for a time certain of 7:00 p.m. or as soon thereafter as possible. City Council/Redevelopment Agency, 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/Redevelopment Agency comments and questions. 5. Take appropriate action. Those wishing to address the City Council/Redevelopment Agency during the Public Hearing must complete a "Request to Speak" form and provide it to the City Clerk/Agency Secretary prior to the hearing.

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.**

RECOMMENDED ACTION: 1. Adopt a Resolution 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. Adopt a Resolution 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.

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.

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.**

RECOMMENDED ACTION: City Council waive further reading, read by title only and adopt the attached Urgency Ordinance 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.

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

RECOMMENDED ACTION: Introduce and approve for first reading an Ordinance 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.

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.

RECOMMENDED ACTION: Consider an Ordinance 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, and (1) introduce and approve the Ordinance for first reading as presented; or (2) amend the text presented and introduce the amended text and approve it for first reading.

18. COUNCIL “CONSENSUS” ISSUES submitted by City Manager and City Attorney.

RECOMMENDED ACTION: Receive and file the report and provide direction as deemed appropriate by the City Council.

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

RECOMMENDED ACTION: Receive and file.

20. LEGISLATIVE MATTERS submitted by Assistant to the City Manager.

RECOMMENDED ACTION: Receive and file 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.

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 Dixon:

Council Member McCullough:

Council Member Rudolph:

Mayor Pro Tem Herzog:

Mayor Tetterer:

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 made 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, January 31, 2008, at 6:00 p.m.

Sherry A.F. Wentz, CMC
City Clerk