

MINUTES OF A REGULAR MEETING  
OF THE LAKE FOREST CITY COUNCIL

The regular meeting of the Lake Forest City Council held October 15, 2013 at the Lake Forest Council Chamber 25550 Commercentre Drive Lake Forest, California 92630 was called to order at 7:02 p.m.

ROLL CALL:

Council Members:	Peter Herzog Adam Nick Dwight Robinson
Mayor Pro Tem:	Kathryn McCullough
Mayor	Scott Voigts (Excused Absence)
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Stephanie D. Smith

PUBLIC SESSION

INVOCATION: The Invocation was led by Mayor Pro Tem McCullough.

PLEDGE OF ALLEGIANCE:

In the absence of Mayor Voigts, the Pledge of Allegiance to the Flag of our Country was led by Lake Forest Boy Scout Troop No. 628.

PRESENTATIONS:

1. TASTE OF LAKE FOREST AWARD PRESENTATIONS submitted by Assistant City Manager.

ACTION: City Manager Dunek introduced Economic Development Manager Jessica Gonzales. With Mayor Pro Tem McCullough, Ms. Gonzales presented the Shop and Dine Lake Forest Week awards; third place awarded to Cinnamon Productions, second place awarded to Tacos Ensenada, and first place was awarded to Peppino's Family Italian Restaurant.

REPORT FROM STUDENT LIAISON:

Jeff Domenech, Student Liaison from El Toro High School, presented his report.

PUBLIC COMMENTS:

The following members of the public offered comment:

Marcia Rudolph, Lake Forest resident and Orange County Vector Control Board of Trustees Member presented a report from the recent Vector Control Board meeting. She also addressed a referendum campaign in the City of Lake Forest.

Gregory Sprague, Lake Forest resident, spoke regarding gasoline usage by the Police Services Department. He also addressed concerns for parking at Serrano School.

Shelley Covey, Lake Forest resident, spoke in opposition to a dog park at Darrin Park.

Kimberly Jameson, Lake Forest resident, spoke in opposition to a dog park at Darrin Park.

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

2. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

Council Member Herzog pulled the warrant payable to Best Best & Kreiger, LLP. He stated that Counsel had not advised the City in accordance with the law and recommended the City Council approve an RFP for new legal counsel representation.

Council Member Robinson stated he had confidence in the legal service provided by Best Best & Kreiger, LLP.

Council Member Nick stated he was not in favor of an RFP for legal services.

Mayor Pro Tem McCullough stated she did not support an RFP for legal services.

MOTION: On motion by Council Member Robinson and second by Council Member Nick, the City Council approved the warrant register as submitted. MOTION CARRIED with Mayor Voigts absent and Council Member Herzog opposed.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 3 - 11)

MOTION: On motion by Council Member Robinson and second by Council Member Herzog, the City Council approved Consent Calendar Item Nos. \*3-8 and \*10-11. MOTION CARRIED with Mayor Voigts absent.

- \*3. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved the reading, by title only, 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.

- \*4. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON SEPTEMBER 17, 2013, submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- \*5. 3RD QUARTER COMMISSION ATTENDANCE REPORT submitted by City Clerk.

ACTION: The City Council approved Commission absences as excused.

- \*6. MONTHLY TREASURER'S REPORT – SEPTEMBER submitted by Director of Finance/City Treasurer.

ACTION: The City Council received and filed the report as submitted.

- \*7. 2014 CITY COUNCIL MEETING CALENDAR submitted by City Clerk.

ACTION: The City Council approved the City Council Meeting Calendar for 2014, including a Budget Workshop to be held on May 16, 2014.

- \*8. FISCAL YEAR 2012-13 OPERATING AND CAPITAL BUDGET AMENDMENTS submitted by Director of Finance/City Treasurer.

ACTION: The City Council adopted Resolution No. 2013-42 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2012-13 AND THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2011-2013.

- \*10. FOURTH AMENDMENT WITH PSOMAS FOR SPORTS PARK GRADING AND DRAINAGE DESIGN SERVICES (PW 2009.01GD) submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the Fourth Amendment to the Agreement with Psomas for Design Services for Sports Park Grading and Drainage Design Services, substantially in the form attached. 2. Authorized the Mayor to execute, and the City Clerk to attest, the Fourth Amendment to the Agreement with Psomas Engineering.

\*11. ENERGOV SOFTWARE PROJECT

- A. FIRST AMENDMENT TO MASTER CUSTOMER AGREEMENT FOR ENERGOV SOFTWARE submitted by Deputy City Manager/Director of Management Services.

ACTION: The City Council: 1. Approved the First Amendment to the Master Customer Agreement with Tyler Technologies Inc., for Energov software licenses, maintenance, and migration services. 2. Authorized the Mayor to sign, and the City Clerk attest, the First Amendment to the Master Customer Agreement with Tyler Technologies, Inc.

B. AWARD OF ENERGOV MIGRATION PROJECT MANAGEMENT CONTRACT

ACTION: The City Council: 1. Approved the selection of Lilley Planning Group, Inc., for project management services related to the EnerGov software migration project. 2. Authorized the Mayor to sign, and the City Clerk attest, the agreement with Lilley Planning Group, Inc., substantially in the form attached.

PULLED CONSENT CALENDAR ITEM:

9. AGREEMENT FOR THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM FIVE YEAR REVIEW WITH STANTEC, INC. submitted by Director of Public Works/City Engineer.

A member of the public pulled this item for separate consideration.

Jim Gardner, Lake Forest resident, addressed his concerns that there is a lack of a formal bid process for the mitigation program. He suggested more services should be provided by businesses within the city.

Mayor Pro Tem McCullough commented the City of Lake Forest has always strived to engage local businesses and unfortunately not all services needed exist within the city.

MOTION: On motion by Council Member Robinson and second by Council Member Nick, the City Council: 1. Approved the Agreement for Professional Consulting Services with Stantec, Inc., for the Lake Forest Transportation Mitigation Program Five Year Review due to its unique experience and qualifications with regard to this project. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement with Stantec, Inc., for the Lake Forest Transportation Mitigation Five Year Review. MOTION CARRIED with Mayor Voigts absent.

PUBLIC HEARING(S):

12. ZONING CODE AMENDMENT 8-13-3535, AN ORDINANCE ADDING PROVISIONS RELATED TO MEDICAL MARIJUANA DISPENSARIES TO TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE submitted by Director of Development Services.

Staff report dated October 15, 2013 was introduced.

Mayor Pro Tem McCullough opened the Public Hearing for public comment.

City Manager Dunek introduced City Attorney Scott Smith and his associate Jeffrey Dunn.

City Attorney Smith presented a brief report. He noted under Lake Forest Municipal Code it prohibits all uses not specifically permitted. He stated this amendment clarifies that the Medical Marijuana dispensaries are prohibited. He noted this interpretation was upheld by the California Supreme Code when it ruled in favor in the case of *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al.* He concluded in the Riverside case, the California Supreme Court upheld the authority of California cities, under their traditional land use and police powers, to exclude, regulate, and ban medical marijuana facilities.

There was no public comment.

Mayor Pro Tem McCullough closed the public portion of the Public Hearing.

MOTION: On motion by Council Member Nick and second by Council Member Herzog, the City Council introduced for first reading Ordinance No. 257 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING PROVISIONS RELATING TO MEDICAL MARIJUANA DISPENSARIES TO THE ZONING CODE. MOTION CARRIED with Mayor Voigts absent.

#### DISCUSSION/ACTION ITEMS:

13. ADOPTION OF THE 2013 CALIFORNIA BUILDING STANDARDS CODE AND FIRE CODE submitted by Director of Development Services.

Development Director Gayle Ackerman provided the staff report dated October 15, 2013.

Council Member Herzog noted in the past there was an issue with the expansion of the fire zones. He asked if any new requirements were added with regard to sprinkler systems.

Fire Marshall Laura Blaul stated there is no reference to the expansion of the fire zones in 2013. The changes to sprinkler systems in State Fire Code apply to new construction and the retrofit is noted in the local amendment provided in the year 2010.

Council Member Herzog noted Council did not receive a redlined version of the proposed Code.

Director Ackerman stated staff would provide Council a redlined version in the second reading of the Ordinance.

**MOTION:** On motion by Council Member Robinson and second by Council Member Nick, the City Council: 1. Introduced for first reading Ordinance No. 258 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST CALIFORNIA, AMENDING CHAPTERS 8.02, 8.06, 8.14, 8.16, and 8.20 OF TITLE 8 OF THE LAKE FOREST MUNICIPAL CITY CODE AND ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, AND CALIFORNIA PLUMBING CODE.

2. Introduced for first reading Ordinance No. 259 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 2013 CALIFORNIA FIRE CODE, WITH APPENDICES AND AMENDMENTS THERETO.

3. Scheduled a public hearing to adopt the Ordinances identified in Items 1 and 2 and directed staff to prepare the appropriate public hearing notices for the November 19, 2013 City Council meeting. MOTION CARRIED with Mayor Voigts absent.

14. CONSIDERATION OF POLICY PROHIBITING THE USE OF ELECTRONIC DEVICES BY MEMBERS OF CITY LEGISLATIVE BODIES AND ADVISORY BOARDS DURING PUBLIC MEETINGS submitted by Deputy City Manager/Director of Management Services.

City Manager Dunek suggested in the absence of the Mayor, Council continue the item.

Mayor Pro Tem McCullough asked staff to include the i-Pad and software items originally proposed at a previous Council meeting.

**MOTION:** On motion by Council Member Herzog and second by Council Member Robinson, the City Council continued the item to the next appropriate date. MOTION CARRIED with Mayor Voigts absent.

15. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager.

City Manager Dunek provided a brief report dated October 15, 2013.

Council Member Robinson asked if there were ramifications from Assembly Bill 594. City Manager Dunek reported there are implications as it relates to advocates on behalf of the city and use of funds as this bill would require a reporting of nonprofit organizations engaged in campaign activity. He suggested review of the League of California Cities position as well as the Association of California Cities-Orange County and how the bill will impact cities overall.

Mayor Pro Tem McCullough stated the League has a separate City Political Action Committee (PAC), which does not comingle public funds.

ACTION: The City Council received and filed the report as submitted.

16. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES, ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY AND/OR THE ORANGE COUNTY CITY SELECTION COMMITTEE submitted by City Clerk.

Mayor Pro Tem McCullough reported the City Selection Committee appointments are scheduled for November.

City Clerk Smith noted the items would be included in the Council mail and listed on the next City Council League of California Cities agenda item.

ACTION: The City Council made no appointments.

#### CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

#### CITY COUNCIL COMMENTS:

Council Member Herzog read and delivered his written resignation to the City Council. He stated it is effective this date. He expressed his concerns of recent Council decisions and his future goals to work directly with the community residents on various issues.

Council Member Nick commended staff and the City Manager. He spoke of philosophical differences among the council members and suggested Council Member Herzog should not resign.

Council Member Robinson asked about electronic voting at the dais, and thanked Council Member Herzog for the past 20 years of service.

Mayor Pro Tem McCullough spoke in retrospect of both Council Member Herzog and her own terms of service as council members.

Mayor Pro Tem McCullough reported in compliance with AB 1234, attending the Southern California Association of Governments (SCAG) Community Economic and Human Development Committee, and the Regional Board meeting, Orange County Transit Authority Needs in Transit Advisory Committee, Senior Citizen Advisory Council meeting, Orange County Housing and Transportation Committee meeting, Orange County Library Executive Committee and Advisory Board, the Ace Montessori Grand Opening, and the U.S. Department of Energy Solar Decathlon 2013 and XPO Reception.

Mayor Voigts was absent.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 8:35 p.m.

Respectfully submitted:

APPROVED:

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STEPHANIE D. SMITH, CMC  
CITY CLERK

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KATHRYN MCCULLOUGH  
MAYOR PRO TEM