

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
September 18, 2019, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Chun called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:03 p.m.

PRESENT: MAYOR ROSS CHUN
MAYOR PRO TEM MIKE MUNZING
COUNCILMEMBER TIFFANY ACKLEY
COUNCILMEMBER DAVID C. HARRINGTON
COUNCILMEMBER WILLIAM A. PHILLIPS

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER
HONGDAO NGUYEN, ASSISTANT CITY ATTORNEY
MITZI ORTIZ, CITY CLERK
GINA THARANI, FINANCIAL SERVICES DIRECTOR
ERICA ROESS, SENIOR PLANNER
STEPHANIE PHILLIPS, COMMUNITY SERVICES MANAGER
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER
LT. CHAD KAJFASZ, CHIEF OF POLICE SERVICES

PLEDGE OF ALLEGIANCE: Jason, Cub Scout Pack 702, led the pledge of allegiance.

REPORT FROM CLOSED SESSION:

Assistant City Attorney HongDao Nguyen stated no reportable action was taken. Please refer to the September 18, 2019 Special Meeting Minutes.

SPECIAL PRESENTATIONS:

A. **FEATURED BUSINESS OF THE MONTH – OPEN MIND MODALITIES**

Mayor Chun introduced a video and presented a Certificate of Recognition to Celeste Woodhouse. Ms. Woodhouse expressed her appreciation.

**B. PARTNERSHIP AWARD RECOGNITION – ORANGE COUNTY
TRANSPORTATION AUTHORITY (OCTA)**

Mayor Chun presented a Certificate of Recognition to Director Laurie Davies and OCTA Program Manager Johnny Dunning. Ms. Davies and Mr. Dunning expressed their appreciation and provided information on the OC Flex program.

C. PROCLAMATION – NATIONAL PREPAREDNESS MONTH

Mayor Chun presented the Proclamation to Orange County Fire Authority Division Chief Michael Contreras. Chief Contreras commented on the importance of preparedness and resources available.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

COMMUNITY INPUT:

1. Rich and Nicole LeDrew expressed concern with their homeowners association regarding violations and lack of enforcement of CC&Rs.

CONSENT CALENDAR ITEMS 1-11:

Mayor Chun asked if any member of the City Council or staff wished to remove an item from the Consent Calendar. Councilmember Phillips requested the removal of Item No. 9 and Item No. 11 and Councilmember Ackley requested the removal of Item No. 5. There were no other requests to remove items from the Consent Calendar.

**MOTION: COUNCILMEMBER HARRINGTON MOVED AND COUNCILMEMBER
PHILLIPS SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1-4, 6-8 AND 10
AS PRESENTED.**

1. **WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS**

Approved the reading by title only of all ordinances and resolutions wherein the titles appear on the public agenda; said titles shall be determined to have been read by title, and further reading is waived.

2. **APPROVAL OF MINUTES – AUGUST 7, 2019 REGULAR MEETING, AUGUST
21 SPECIAL MEETING, AND AUGUST 21 REGULAR MEETING**

Approved the subject Minutes as submitted.

3. ACCOUNTS PAYABLE

1. Ratified accounts payable checks and electronic funds transfers issued August 8, 2019 in the amount of \$850,638.41;
2. Ratified accounts payable checks and electronic funds transfers issued August 15, 2019 in the amount of \$450,239.05;
3. Ratified accounts payable checks and electronic funds transfers issued August 22, 2019 in the amount of \$243,822.31; and
4. Ratified accounts payable checks and electronic funds transfers issued August 29, 2019 in the amount of \$814,002.80.

4. TREASURER'S STATEMENT

Approved the July 2019 Treasurer's Statement.

5. AMICUS BRIEF IN SUPPORT OF PETITION TO THE U.S. SUPREME COURT TO GRANT REVIEW OF THE NINTH CIRCUIT'S DECISION IN MARTIN V. CITY OF BOISE

This item was removed from the Consent Calendar.

6. SELECTION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

Designated Mayor Ross Chun as voting delegate and City Manager David Doyle as alternate for the League of California Cities Annual Business Meeting to be held on October 18, 2019 at the Long Beach Convention Center.

7. TRANSFER OF RULE 20A FUNDS TO YORBA LINDA

1. Approved the transfer of funds with Yorba Linda and authorize the City Manager to execute the attached Memorandum of Understanding with Yorba Linda; and
2. Authorized the City Manager to notify Southern California Edison of the transfer of funds.

8. OCTA M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM – ALISO CREEK ROAD

1. Authorized the Mayor to execute Cooperative Agreement C-9-1419 with the Orange County Transportation Authority (OCTA); and
2. Authorized the City Manager to appropriate \$170,779 in matching funds from M2 Fair Share.

9. FIRST AMENDMENT TO THE AGREEMENT FOR LANDSCAPE ARCHITECTURE AND INSPECTION SERVICES

This item was removed from the Consent Calendar.

10. FIRST AMENDMENT TO THE AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

1. Approved a First Amendment to the Agreement with Robert Everhart Consulting, LLC to perform construction management services that extends the term one year and increases the contract amount by \$376,000 for a total authorization of \$802,272; and
2. Authorized the City Manager to execute the First Amendment to the Agreement.

11. ADOPTION OF THE 2018-2019 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR EXPENDITURES OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

This item was removed from the Consent Calendar.

MOTION CARRIED UNANIMOUSLY

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

5. AMICUS BRIEF IN SUPPORT OF PETITION TO THE U.S. SUPREME COURT TO GRANT REVIEW OF THE NINTH CIRCUIT'S DECISION IN *MARTIN V. CITY OF BOISE*

Councilmembers commented on the matter.

MOTION: MAYOR PRO TEM MUNZING MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO DIRECT THE CITY ATTORNEY TO AUTHORIZE SPECIAL COUNSEL'S JOINDER AND FILING OF AN AMICUS CURIAE BRIEF IN SUPPORT OF BOISE'S PETITION TO THE U.S. SUPREME COURT TO GRANT REVIEW OF THE NINTH CIRCUIT'S DECISION IN THE MATTER OF *MARTIN V. BOISE*.

MOTION CARRIED 4-1, WITH COUNCILMEMBER ACKLEY DISSENTING

9. FIRST AMENDMENT TO THE AGREEMENT FOR LANDSCAPE ARCHITECTURE AND INSPECTION SERVICES

City Manager David Doyle and City Attorney HongDao Nguyen responded to questions regarding scope of services and tree replacement regulations. Councilmembers commented on the matter.

MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER HARRINGTON SECONDED TO:

1. APPROVE A FIRST AMENDMENT TO THE AGREEMENT WITH RICHARD FISHER ASSOCIATES TO PERFORM LANDSCAPE ARCHITECTURE AND INSPECTION SERVICES THAT EXTENDS THE TERM ONE YEAR AND INCREASES THE CONTRACT AMOUNT BY \$185,000 FOR A TOTAL AUTHORIZATION OF \$335,000 SINCE 2017; AND
2. AUTHORIZE THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT.

MOTION CARRIED UNANIMOUSLY

11. ADOPTION OF THE 2018-2019 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR EXPENDITURES OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

Senior Planner Erica Roess responded to questions regarding administrative costs.

MOTION: COUNCILMEMBER PHILLIPS MOVED AND MAYOR PRO TEM MUNZING SECONDED TO:

1. DECLARE THAT THE CITY COUNCIL FINDS THE 2018-2019 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED IN SECTION 15378 (B)(5) OF THE STATE CEQA GUIDELINES;
2. APPROVE AND ADOPT THE 2018-2019 CAPER; AND
3. AUTHORIZE THE CITY MANAGER TO SUBMIT THE CAPER TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZE THE CITY MANAGER TO SUBMIT ALL RELATED DOCUMENTS.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING ITEMS:

None.

DISCUSSION ITEMS:

None.

CITY MANAGER'S REPORT

City Manager David Doyle announced Aliso Viejo Trails and Creek Clean-up Event to be held from 8:00 a.m. to 11:00 a.m. on September 21, 2019 beginning at the Aliso Viejo

Ranch; registration for Fall Recreation Classes; recognition of recreation programs in Parenting OC Magazine; registration for Painting & Pizza Night to be held from 5:30 p.m. to 8:30 p.m. on October 4, 2019 at City Hall; Friday Night Fright Spookshop to be held from 5:00 p.m. to 8:00 p.m. on October 22, 2019 at City Hall; and encouraged residents to follow the City on Facebook, Twitter, Instagram and Nextdoor.

ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES

Councilmember Harrington:

- Attended Aliso Viejo Ranch project site visit
- Submitted in writing:
 - Attended Police Services BBQ
 - Attended ACC-OC Executive Committee Meeting
 - Attended AB 1661 Training
 - Attended OC Waste & Recycling Waste Management Commission Meeting
 - Attended ACC-OC Board Meeting

Councilmember Ackley:

- Met with resident regarding pesticide use
- Announced design meeting for The Commons to be held on September 26, 2019
- Submitted in writing:
 - Attended VIP Soccer Program
 - Attended Metropolitan Water District Water Policy Event
 - Attended Future of Cities Presentation
 - Attended South Orange County Economic Coalition Meeting
 - Attended Representative Harley Rouda's Town Hall Meeting

Councilmember Phillips:

- Attended USA Properties Grand Opening
- Expressed appreciation to Police Services for Active Shooter Exercise
- Submitted in writing:
 - Attended CUSD Board of Trustees Meeting

Mayor Pro Tem Munzing:

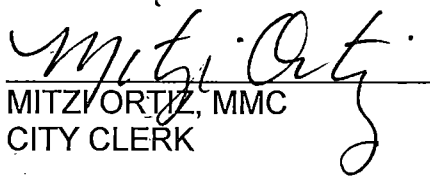
- Attended Belmont Village Luau
- Submitted in writing:
 - Attended Orange County Public Affairs Association Legislative Aides' Luncheon
 - Attended South Orange County Economic Coalition Meeting
 - Attended Police Services BBQ
 - Attended Representative Harley Rouda's Town Hall Meeting
 - Attended Aliso Viejo Chamber of Commerce After Hours Event
 - Attended CUSD Board of Trustees Meeting
 - Attended Aliso Viejo Chamber of Commerce Networking Breakfast
 - Attended Seven Seas Roasting Grand Opening

Mayor Chun:

- Announced Susan G. Komen Race for the Cure
- Attended Seven Seas Roasting Grand Opening
- Attended Relay for Life event

ADJOURNMENT: Mayor Chun adjourned the meeting at 7:51 p.m. to the regularly scheduled meeting of October 2, 2019.

Respectfully submitted:



MITZV ORTIZ, MMC
CITY CLERK

Approved by:



ROSS CHUN
MAYOR