

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
OCTOBER 5, 2016, 7:00 P.M.  
Council Chambers, City Hall, 12 Journey  
Aliso Viejo, California

**CALL TO ORDER:** Mayor Munzing called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:16 p.m.

**PRESENT:** MAYOR MIKE MUNZING  
MAYOR PRO TEM DAVID C. HARRINGTON  
COUNCILMEMBER ROSS CHUN  
COUNCILMEMBER WILLIAM A. PHILLIPS  
COUNCILMEMBER PHILLIP B. TSUNODA

**ABSENT:** NONE

**STAFF PRESENT:** DAVID A. DOYLE, CITY MANAGER  
SCOTT C. SMITH, CITY ATTORNEY  
MITZI ORTIZ, CITY CLERK  
GLENN YASUI, ADMINISTRATIVE SERVICES DIRECTOR  
GINA THARANI, FINANCE DIRECTOR  
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR / CITY  
ENGINEER  
OMAR DADABHOY, PLANNING DIRECTOR  
ERICA ROESS, SENIOR PLANNER  
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER  
LT. JOHN MACPHERSON, CHIEF OF POLICE SERVICES  
SARAH BARKER, EMERGENCY MANAGEMENT  
COORDINATOR

**REPORT ON CLOSED SESSION:** City Attorney Scott Smith stated no reportable action was taken. Please refer to October 5, 2016 Special Meeting Minutes.

**PLEDGE OF ALLEGIANCE:** Division Chief Jeff Adams led the pledge of allegiance.

**SPECIAL PRESENTATIONS:**

A. **PROCLAMATION – FIRE PREVENTION WEEK**

Mayor Munzing presented the Proclamation to Orange County Fire Authority Division Chief Jeff Adams. Chief Adams provided information regarding fire prevention and related events.

B. COUNCIL RECOGNITION AND PRESENTATION TO FEATURED BUSINESS OF THE MONTH G2 BIKE

Mayor Munzing presented the Certificate of Recognition to AJ Sura. Ms. Sura provided information related to G2 Bike.

C. COUNCIL RECOGNITION OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) ACADEMY GRADUATES

Mayor Munzing and Emergency Management Coordinator recognized the CERT Academy graduates.

**ADDITIONS, DELETIONS, REORDERING TO THE AGENDA**

None.

**CONSENT CALENDAR ITEM NOS. 1-6:**

Mayor Munzing asked if any member of the City Council, staff or the public wished to remove an item from the Consent Calendar. Councilmember Phillips requested the removal of Item No. 6. There were no additional requests to remove items from the Consent Calendar.

**MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER CHUN SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 5, 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 – SEPTEMBER 21, 2016 SPECIAL MEETING AND SEPTEMBER 21, 2016 REGULAR MEETING

Approved the subject Minutes as submitted.

3. ACCOUNTS PAYABLE

1. Ratified accounts payable checks issued September 15, 2016 in the amount of \$108,999.77; and
2. Ratified accounts payable checks issued September 22, 2016 in the amount of \$87,629.57.

4. TREASURER'S STATEMENT – AUGUST 2016

Approved the August 2016 Treasurer's Statement.

5. ANNUAL MEASURE M2 EXPENDITURE REPORT

Approved Resolution No. 2016-39 to adopt the FY 2015-16 M2 Expenditure Report.

6. TENTATIVE TRACT MAP 18080 AT 4 LIBERTY PARCEL 3, CT REALTY INVESTORS

This item was removed from the Consent Calendar.

**MOTION CARRIED UNANIMOUSLY**

**END OF CONSENT CALENDAR**

**REMOVED FROM CONSENT CALENDAR**

6. TENTATIVE TRACT MAP 18080 AT 4 LIBERTY PARCEL 3, CT REALTY INVESTORS

City Manager David Doyle and Planning Director Omar Dadabhoj responded to questions regarding conditions of approval.

**MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER CHUN SECONDED TO ADOPT RESOLUTION NO. 2016-40 MAKING FINDINGS UNDER THE CALIFORNIA SUBDIVISION MAP ACT AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP 18080 FOR A SUBDIVISION OF PARCEL 3 OF PARCEL MAP 2015-100 APPROVED BY CITY COUNCIL ON OCTOBER 7, 2015 UNDER PLANNING APPLICATION PA15-012 AS MODIFIED BY PA15-039 FOR 4 LIBERTY.**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC HEARING ITEM NO. 7:**

7. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, PURSUANT TO GOVERNMENT CODE SECTIONS 36937 AND 65858 EXTENDING THE TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF MASSAGE BUSINESSES IN THE CITY PENDING THE COMPLETION OF STUDIES AND THE PREPARATION OF AN UPDATE TO THE CITY'S MUNICIPAL AND ZONING CODE

City Manager David Doyle introduced City Attorney Scott Smith who provided the staff report. Staff responded to questions regarding impact of moratorium on existing regulations and businesses. Mayor Munzing opened the public hearing and there were no speakers. Mayor Munzing closed the public hearing.

**MOTION: COUNCILMEMBER CHUN MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO ADOPT ORDINANCE NO. 2016-182 ENTITLED:**

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, PURSUANT TO GOVERNMENT CODE SECTIONS 36937 AND 65858 EXTENDING THE TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF MASSAGE BUSINESSES IN THE CITY PENDING THE COMPLETION OF STUDIES AND THE PREPARATION OF AN UPDATE TO THE CITY'S MUNICIPAL AND ZONING CODE**

**MOTION CARRIED UNANIMOUSLY**

**DISCUSSION ITEM NOS. 8-9:**

8. **CONSIDER APPROVING MINIMUM QUALIFICATION STANDARDS FOR PACE PROVIDERS TO OPERATE IN THE CITY OF ALISO VIEJO**

City Manager David Doyle introduced Senior Planner Erica Roess who provided the staff report. Staff responded to questions regarding proposed biannual approvals, compliance by existing providers, standards used by other cities, requirement for City Council approval, homes eligible for solar panels, number of solar panel permit applications, prepayments, and information available on the website. Mayor Munzing opened for public comment and the following person spoke:

1. Scott White expressed various concerns with allowing PACE providers to operate in the City.

There were no other speakers.

**MOTION: MAYOR PRO TEM HARRINGTON MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO:**

1. **MAKE FINDINGS THAT THE CITY'S ESTABLISHMENT OF STANDARDS FOR FUTURE PACE PROVIDER REQUESTS IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINES SECTION 15378(B)(4);**
2. **DIRECT STAFF TO PROCEED WITH THE PROPOSED MINIMUM QUALIFICATION STANDARDS FOR PACE PROVIDERS TO OPERATE IN THE CITY; AND**

**3. DIRECT STAFF TO ONLY PLACE PACE PROVIDERS THAT MEET MINIMUM QUALIFICATIONS ON CITY COUNCIL'S AGENDA AND TO PLACE AS CONSENT CALENDAR ITEMS.**

**MOTION CARRIED UNANIMOUSLY**

**9. SOLID WASTE FRANCHISE AGREEMENT**

City Manager David Doyle provided the staff report. Staff responded to questions regarding timing of agenda item, contract term, termination clause, potential changes in services, agreement amendment, and bidding requirements. Mayor Munzing opened for public comment and the following persons spoke:

1. Dean Ruffridge (CR&R, Inc.) commented on the terms of the existing contract and willingness to negotiate without notice of termination.

There were no other speakers.

**MOTION: COUNCILMEMBER TSUNODA MOVED AND MAYOR PRO TEM HARRINGTON SECONDED TO DIRECT STAFF TO REVIEW THE CURRENT FRANCHISE AGREEMENT AND BEGIN EXCLUSIVE NEGOTIATIONS WITH CR&R FOR ANY RECOMMENDED AMENDMENTS TO THE SERVICES, STATE-OF-THE-ART PRACTICES, TERMS AND/OR RATES.**

**MOTION CARRIED UNANIMOUSLY**

**COMMUNITY INPUT:**

1. Beth Mays provided information related to Anaheim University
2. Andy Abrecht expressed various concerns regarding local politics.

**CITY MANAGER'S REPORT**

City Manager David Doyle announced upcoming electronic newsletter related to Aliso Viejo Town Center updates.

**ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES**

Councilmember Chun:

- Attended TCA Joint Finance and Investment Committee Meeting
- Attended TCA Joint Toll Operations Committee Meeting
- Attended TCA Joint Customer Service Committee Meeting
- Attended TCA Joint Communications & Marketing Committee Meeting
- Attended Chick-Fil-A Ribbon Cutting

- Attended ACC-OC Bay-Delta Tour
- Attended the Hispanic 100 Lifetime Achievement Awards Gala
- Attended League of California Cities Transportation, Communication and Public Works Policy Committee Meeting
- Attended Founder's Day Event
- Attended Saddleback College Sciences Building Ribbon Cutting

Councilmember Phillips:

- Attended Founder's Day Event
- Attended ACC-OC Ballot Breakfast
- Commented on CUSD Measure M

Councilmember Tsunoda:

- Expressed his condolences to Councilmember Chun on the passing of his mother

Mayor Pro Tem Harrington:


- Commented on California Proposition 57
- Commented on CUSD Measure M
- Obtained consensus to consider resolution opposing CUSD Measure M and urging collaboration on alternate funding sources
- Submitted in writing:
  - Attended ACC-OC Legislative and Regulatory Committee Meeting
  - Attended Tip-A-Cop Event
  - Attended South Orange County Economic Coalition
  - Attended ACC-OC Ballot Breakfast
  - Will attend League of California Cities General Membership Meeting

Mayor Munzing:


- Attended Tip-A-Cop Event
- Attended Saddleback College Sciences Building Ribbon Cutting
- Attended Founder's Day Event
- Attended ACC-OC Ballot Breakfast
- Attended the Hispanic 100 Lifetime Achievement Awards Gala

**ADJOURNMENT:** Mayor Munzing adjourned the meeting at 9:16 p.m. in memory of Janet Chun to the regularly scheduled meeting of October 19, 2016.

Respectfully submitted:

  
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 MITZVORTIZ, MMC  
 CITY CLERK

Approved by:

  
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 MIKE MUNZING  
 MAYOR