

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
SEPTEMBER 7, 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 7:23 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  
GRACIE DURAN, COMMUNITY SERVICES SUPERVISOR  
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR / CITY  
ENGINEER  
OMAR DADABHOY, PLANNING DIRECTOR  
ERICA ROESS, SENIOR PLANNER  
JENNIFER LOWE, SENIOR PLANNER  
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER  
SGT. RAY ULMER, ADMINISTRATIVE SERGEANT

**PLEDGE OF ALLEGIANCE:** Sgt. Ray Ulmer led the pledge of allegiance.

**SPECIAL PRESENTATIONS:**

A. **COUNCIL RECOGNITION AND PRESENTATION TO BUSINESS OF THE MONTH LOCKHART'S KARATE ACADEMY**

Mayor Munzing presented the Certificate of Recognition to Dan Lockhart. Mr. Lockhart provided information related to Lockhart's Karate Academy.

B. COUNCIL RECOGNITION AND PRESENTATION TO ALISO VIEJO GIRLS SOFTBALL ALL-STAR TEAMS

Mayor Munzing presented Certificates of Recognition to Fast & Furious Manager Christopher Dunakin, AV Boom Manager Darren Gibson and EXTREME Manager Tim Oden.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR ITEM NOS. 1-9:

Mayor Munzing asked if any member of the City Council, staff or the public wished to remove an item from the Consent Calendar. Mayor Pro Tem Harrington requested the removal of Item No. 4. 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 – 3 AND 5 – 9, 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 17, 2016 SPECIAL MEETING AND AUGUST 17, 2016 REGULAR MEETING

Approved the subject Minutes as submitted.

3. SECOND READING AND ADOPTION OF ORDINANCE AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE TO CLARIFY THE INTENT OF EXISTING REGULATION OF SHORT-TERM RENTALS AND RELATED USES

Conducted second reading and adopted Ordinance No. 2016-179 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO, CALIFORNIA AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE TO CLARIFY THE INTENT OF EXISTING REGULATION OF SHORT-TERM RENTALS AND RELATED USES.

4. ACCOUNTS PAYABLE

This item was removed from the Consent Calendar.

5. TREASURER'S STATEMENT – JULY 2016

Approved the July 2016 Treasurer's Statement.

6. RELEASE OF BOND FOR MICROVENTION ROUGH GRADING

Adopted Resolution No. 2016-36 exonerating the Rough Grading (#106357917) bond for Microvention at 35 and 37 Enterprise.

7. FIRST AMENDMENT TO AGREEMENT WITH THIRTIETH STREET ARCHITECTS, INC. FOR ALISO VIEJO RANCH ARCHITECTURAL DESIGN SERVICES

1. Approved the First Amendment to Agreement with Thirtieth Street Architects, Inc. for architectural design services relating to Aliso Viejo Ranch;
2. Authorized the City Manager to execute the First Amendment to Agreement with Thirtieth Street Architects, Inc.; and
3. Approved a budget appropriation and authorize Staff to make total compensation to Thirtieth Street Architects, Inc. for an amount not to exceed \$270,000.

8. REQUEST FOR COMMUNITY PROMOTIONAL GRANT: 1) ALISO VIEJO BOOM GIRLS SOFTBALL – WESTERN NATIONAL CHAMPIONSHIP; AND 2) DON JUAN AVILA ELEMENTARY – PALI INSTITUTE EDUCATION SCIENCE CAMP

1. Approved the request for Community Promotional Grant in an amount not to exceed \$1,000 to Aliso Viejo Girls Softball for the Aliso Viejo Boom (AV Boom) team to travel to the Western National Championship; and
2. Approved the request for Community Promotional Grant in an amount not to exceed \$1,000 to Don Juan Avila Elementary School Pali Institute Outdoor Education Science Camp Fund in support of the 5<sup>th</sup> grade students' participation in the 2016 science camp.

9. CONFLICT OF INTEREST CODE BIENNIAL REVIEW

Adopted Resolution No. 2016-37 approving the amended Conflict of Interest Code, pursuant to the Political Reform Act Section 87303.

MOTION CARRIED UNANIMOUSLY

END OF CONSENT CALENDAR

**REMOVED FROM CONSENT CALENDAR**

**4. ACCOUNTS PAYABLE**

Finance Director Gina Tharani responded to questions regarding monthly payment for law enforcement services, and sales and property tax revenue.

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

- 1. RATIFY ACCOUNTS PAYABLE CHECKS ISSUED AUGUST 11, 2016 IN THE AMOUNT OF \$980,426.25;**
- 2. RATIFY ACCOUNTS PAYABLE CHECKS ISSUED AUGUST 18, 2016 IN THE AMOUNT OF \$105,206.21; AND**
- 3. RATIFY ACCOUNTS PAYABLE CHECKS ISSUED AUGUST 25, 2016 IN THE AMOUNT OF \$187,067.42.**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC HEARING ITEM NOS. 10-12:**

- 10. REQUEST TO APPROVE A CONDITIONAL USE PERMIT TO ESTABLISH A PAINT AND SIP STUDIO AND ADMINISTRATIVE USE PERMIT FOR A TYPE 42 (ON-SALE BEER AND WINE) LICENSE FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL AT 26731 ALISO CREEK ROAD, SUITE 200A**

City Manager David Doyle introduced Senior Planner Jennifer Lowe who provided the staff report. Staff and applicants responded to questions regarding zoning use, transfer of permits, and revenue percentage from alcohol sales. Mayor Munzing opened the public hearing. There were no speakers. Mayor Munzing closed the public hearing.

**MOTION: MAYOR PRO TEM HARRINGTON MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO ADOPT RESOLUTION NO. 2016-38 TO APPROVE PLANNING APPLICATION PA16-016 (CUP/EP) WHICH INCLUDES A CONDITIONAL USE PERMIT TO ESTABLISH A PAINT AND SIP STUDIO AND ADMINISTRATIVE USE PERMIT FOR A TYPE 42 (ON-SALE BEER AND WINE) LICENSE AT 26731 ALISO CREEK ROAD, SUITE 200A, IN ALISO VIEJO, CA.**

**MOTION CARRIED UNANIMOUSLY**

11. AN INTERIM URGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF MASSAGE BUSINESSES IN THE CITY PENDING STUDY 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 need for interim urgency ordinance and change in regulations. Mayor Munzing opened the public hearing. There were no other speakers. Mayor Munzing closed the public hearing.

MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER CHUN SECONDED TO ADOPT ORDINANCE NO. 2016-180 ENTITLED:

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 369367 AND 65858; A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF MASSAGE BUSINESSES IN THE CITY PENDING STUDY AND THE PREPARATION OF AN UPDATE TO THE CITY'S MUNICIPAL AND ZONING CODE.

MOTION CARRIED UNANIMOUSLY

12. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA

City Manager David Doyle introduced City Attorney Scott Smith who provided the staff report. Staff responded to questions regarding proposed permitting process and enforcement. Mayor Munzing opened the public hearing. There were no speakers. Mayor Munzing closed the public hearing.

MOTION: MAYOR PRO TEM HARRINGTON MOVED AND COUNCILMEMBER CHUN SECONDED TO INTRODUCE FOR FIRST READING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA.

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEM NOS. 13-14:

13. ALISO VIEJO CENTER SUMMARY REPORT (FISCAL YEAR 2015-16)

City Manager David Doyle introduced Community Services Supervisor Gracie Duran who provided the staff report. Brea Gardner provided additional information. Staff responded to questions regarding audio / visual system. No further action was taken.

14. ALISO VIEJO AQUATIC CENTER SUMMARY REPORT (FISCAL YEAR 2015-16)

City Manager David Doyle introduced Community Services Supervisor Gracie Duran who provided the staff report. Dan Berzansky provided additional information. Staff responded to questions regarding capital improvement expenses. No further action was taken.

**COMMUNITY INPUT:**

1. Andy Abrecht expressed concern with profiteering in politics.

**CITY MANAGER'S REPORT**

None.

**ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES**

Councilmember Chun:

- Attended City / AVCA Subcommittee Meeting
- Attended City / CUSD Subcommittee Meeting
- Attended League of California Cities General Membership Meeting
- Participated in ACC-OC Diversity Roundtable Conference Call
- Participated in TCA Leadership Conference Call
- Attended TCA Executive Meeting
- Attended TCA Joint Finance and Investment Committee Meeting
- Attended TCA Joint Toll Operations Committee Meeting
- Attended TCA Procurement Meeting
- Attended OCTANe Member & Partner Summer Social
- Attended SCAG Executive Administration Committee Meeting
- Attended SCAG Energy and Environment Committee Meeting
- Attended Aliso Viejo Rotary Club Meeting
- Attended Relay for Life event

Councilmember Phillips: None.

Councilmember Tsunoda: None.

Mayor Pro Tem Harrington:

- Commented on 15<sup>th</sup> anniversary of 9/11
- Submitted in writing:
  - Attended Relay for Life event
  - Participated in ACC-OC City Square Podcast
  - Attended League of California Cities General Membership Meeting
  - Attended City / AVCA Subcommittee Meeting
  - Attended City / CUSD Subcommittee Meeting
  - Provided talk on government to Boy Scout troop
  - Attended Marine Corps. Fundraiser
  - Attended Orange County Business Council Meeting
  - Attended SCAG Transportation Committee Meeting
  - Attended Aliso Viejo Chamber of Commerce Governmental Affairs Forum

Mayor Munzing:

- Attended Moulton Niguel Water District Meeting
- Attended Canyon Vista Elementary School Golf Tournament
- Attended Aliso Viejo Chamber of Commerce Governmental Affairs Forum
- Announced State of the City to be held on September 15, 2016 at Soka University

**ADJOURNMENT:** Mayor Munzing adjourned the meeting at 9:05 p.m. to the regularly scheduled meeting of September 21, 2016.

Respectfully submitted:

  
MITZI ORTIZ MMC  
CITY CLERK

Approved by:

  
MIKE MUNZING  
MAYOR