

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
April 4, 2018, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Harrington called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:10 p.m.

PRESENT: MAYOR DAVID C. HARRINGTON
MAYOR PRO TEM ROSS CHUN
COUNCILMEMBER MIKE MUNZING
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
JENNIFER LOWE, SENIOR PLANNER
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER
STEPHANIE BROWN, COMMUNITY SERVICES MANAGER
BRETT GARDNER, ADMINISTRATIVE SERGEANT

PLEDGE OF ALLEGIANCE: Mayor Harrington led the pledge of allegiance.

SPECIAL PRESENTATIONS:

A. PROCLAMATION – DONATE LIFE MONTH

This item was removed from the agenda.

B. COUNCIL RECOGNITION AND PRESENTATION TO FEATURED BUSINESS OF THE MONTH SUGAR PLUM PARTIES

This item was removed from the agenda.

C. PRESENTATION BY SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

This item was removed from the agenda.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

City Manager David Doyle requested the addition of an item to consider a resolution supporting the Reducing Crime and Keeping California Safe Act of 2018.

MOTION: COUNCILMEMBER MUNZING MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO APPROVE ADDITION OF THE ITEM AS DISCUSSION ITEM NO. 14.

MOTION CARRIED 4-1, WITH MAYOR PRO TEM CHUN DISSENTING

Mayor Harrington obtained consensus to reorder Community Input to the end of the meeting.

CONSENT CALENDAR ITEM NOS. 1-9:

Mayor Harrington asked if any member of the City Council, staff or the public wished to remove an item from the Consent Calendar. There were no requests to remove items from the Consent Calendar.

MOTION: COUNCILMEMBER PHILLIPS MOVED AND MAYOR PRO TEM CHUN SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1-9, 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 – MARCH 7, 2018 REGULAR MEETING AND MARCH 27, 2018 SPECIAL MEETING

Approved the subject Minutes as submitted.

3. ACCOUNTS PAYABLE

1. Ratified accounts payable checks and electronic funds transfers issued March 1, 2018 in the amount of \$319,417.40;
2. Ratified accounts payable checks and electronic funds transfers issued March 8, 2018 in the amount of \$115,237.39;
3. Ratified accounts payable checks and electronic funds transfers issued March 15, 2018 in the amount of \$846,685.43; and

4. Ratified accounts payable checks and electronic funds transfers issued March 22, 2018 in the amount of \$187,335.46.

4. TREASURER'S STATEMENT – FEBRUARY 2018

Approved the February 2018 Treasurer's Statement.

5. FISCAL YEAR 2018-19 PROJECT LIST FOR ROAD MAINTENANCE AND REHABILITATION ACCOUNT FUNDING (SB 1)

Adopted Resolution No. 2018-07 which adopts a list of projects for Fiscal Year 2018-19 funded by SB 1: The Road Repair and Accountability Act of 2017.

6. DESIGNATION OF AUTHORIZED AGENTS FOR CalOES AND FEMA GRANTS AND REIMBURSEMENTS

Adopted Resolution No. 2018-08 designating the City Manager, Chief of Police Services and Director of Finance Services as authorized agents when dealing with the California Offices of Emergency Services (CalOES) or the Federal Emergency Management Agency (FEMA) regarding grants and reimbursements to the City.

7. APPOINTMENT OF SCAG GENERAL ASSEMBLY DELEGATE

Appointed Mayor Pro Tem Ross Chun as Delegate to the Southern California Association of Governments (SCAG) General Assembly to be held May 3, 2018.

8. ALISO VIEJO AQUATIC CENTER MID-YEAR REPORT (FISCAL YEAR 2017-18)

Received and filed the Aliso Viejo Aquatic Center Mid-Year Report for Fiscal Year 2017-18.

9. ALISO VIEJO CENTER MID-YEAR REPORT (FISCAL YEAR 2017-18)

Received and filed the Aliso Viejo Center Mid-Year Report for Fiscal Year 2017-18.

MOTION CARRIED UNANIMOUSLY

END OF CONSENT CALENDAR

PUBLIC HEARING ITEM NOS. 10-11:

10. REQUEST FOR A CONDITIONAL USE PERMIT TO CONVERT A 1.13-ACRE PORTION OF AN EXISTING PARK INTO A DOG PARK, A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES OVER 15%, AND AN ALTERNATIVE PARKING PLAN AT CREEKSIDE PARK AT 25894 CEDARBROOK

City Manager David Doyle introduced Senior Planner Jennifer Lowe, who provided the staff report. Staff responded to questions regarding water runoff, legal liability, CEQA compliance, public outreach, Coastal Commission and waste bag dispensers. Robert Bunyan, Robert Bunyan and Associates, provided additional information. Mayor Harrington opened the public hearing.

1. Jim Martin expressed his appreciation and requested approval.

There were no additional speakers. Mayor Harrington closed the public hearing.

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

1. **DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") PURSUANT TO CATEGORICAL EXEMPTIONS CLASS 1 FOR EXISTING FACILITIES (STATE CEQA GUIDELINES, §15301) AND CLASS 11 FOR ACCESSORY STRUCTURES (STATE CEQA GUIDELINES, §15311); AND**
2. **ADOPT RESOLUTION NO. 2018-09 TO APPROVE PLANNING APPLICATION PA17-033(CUP) FOR A CONDITIONAL USE PERMIT TO CONVERT A 1.13-ACRE PORTION OF AN EXISTING PARK INTO A DOG PARK, A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES OVER 15%, AND AN ALTERNATIVE PARKING PLAN AT CREEKSIDE PARK AT 25894 CEDARBROOK IN ALISO VIEJO, CA, AS AMENDED TO INCLUDE OPERATIONS IN THE WATER QUALITY CONDITIONS OF APPROVAL.**

MOTION CARRIED UNANIMOUSLY

11. **CONSIDERATION OF AN ORDINANCE OF THE CITY OF ALISO VIEJO AMENDING ALISO VIEJO MUNICIPAL CODE TITLE 15 TO REVISE SECTION 15.02.020, SUBDIVISION C, RELATING TO THE TIMING OF VEST RIGHTS**

City Manager David Doyle introduced City Attorney Scott Smith, who provided the staff report. Staff responded to questions regarding the need for amendment and clarification on timing. Mayor Harrington opened the public hearing. There were no speakers. Mayor Harrington closed the public hearing.

MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER MUNZING SECONDED TO INTRODUCE BY TITLE ONLY AND WAIVE FULL READING OF AN ORDINANCE ENTITLED

AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO, CALIFORNIA, AMENDING ALISO VIEJO MUNICIPAL CODE TITLE 15 (ZONING CODE) TO REVISE SECTION 15.02.020 (APPLICABILITY AND

EFFECT ON PRIOR PERMITS), RELATING TO THE TIMING OF VEST RIGHTS.

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEM NOS. 12-13:

12. ANNUAL BUDGET DISCUSSION FOR FY 2018-19

City Manager David Doyle introduced Finance Director Gina Tharani, who provided the staff report. Staff responded to questions regarding SB 1 Funding, unfunded pension liability and overall financial health. City Councilmembers provided direction on safety improvements at the Aliso Viejo Library, community beautification, median landscaping, membership dues, City Council travel expenses and assistance to the Aliso Viejo Little League. No further action was taken.

13. AMICUS BRIEF IN SUPPORT OF THE UNITED STATES OF AMERICA AND THE CITY OF LOS ALAMITOS / RULE OF LAW RESOLUTION

Mayor Harrington provided an overview. Mayor Harrington opened for public comment.

The following persons spoke in opposition: 1. Stephanie Hammerwold; 2. Tiffany Ackley; 3. Annie Wright; 4. Casey Chaffin; 5. Sophia Dugas; 6. Tara Steele; 7. Sharon Blain; 8. Trina Mangione; 9. Fern Eisler; 10. Esat Tunagur; 11. Trey Carlisle; 12. Resident; 13. Omar Siddique; 14. Michael Getto, Jr.; 15. Dr. Roxanne Metz; 16. Luis Aleman; 17. Julie Columbero; 18. Bill McCarty; 19. Karina Napuri; 20. Mary Kyle; 21. Alyssa Napuri; 22. Nick Kremer; 23. Shintori Taylor; 24. Andrea Vazquez; 25. Vassil Yorgov; 26. Jenna Beck; 27. Sophia Laws; 28. Ana Schugurensky; 29. Christelle Inema; 30. Fe Huzar; 31. Sara Adamson; 32. Angel; 33. Charlie Rohielos; 34. Patricia; 35. Avanti Arseculezatne; 36. Lindsey Shoenhard; 37. James Spady; 38. Sarah England; and 39. Tracy Bartolome.

The following persons spoke in support: 1. Congressman Dana Rohrabacher; 2. Dawn Froeschner; 3. Sonny Meagher; 4. Robert Lauten; 5. Linda Naylor; 6. Michele Harrington; 7. Kim Sorgente; 8. Betty Robinson; 9. Crystal Jade; 10. Resident; 11. Resident; 12. DD Dominguez; 13. Elsa Aldeguer; 14. Resident; 15. Paul B. Jansen; 16. Jess Augustine; and 17. Steve Augustine.

MAYOR HARRINGTON RECESSED THE MEETING AT 9:45 P.M. AND RECONVENED AT 10:01 P.M.

The following persons spoke in opposition: 40. Mindy Frosto-Swank; 41. Denise Velasco; 42. Jacqueline; 43. Sean M.; 44. Michael Harris; 45. Leslie Zieminski; 46. Jestin Samson; 47. Kristy Branham; 48. Monica Curca; 49. Alex Banerjee; 50.

luná; 51. Judy Jones; 52. Jeanne Lepowsky; 53. Resident; 54. Joan Nicol; 55. Alejandro Cartagena; 56. Alfredo Cartagena; 57. Tim Phan; 58. Crystal; and 59. Arianna.

The following persons spoke in support: 18. Vaughn Becht; 19. Robin Hvidston; 20. Laurie Masonis; 21. Meghan Dowling; 22. Leonor Ferris; 23. Stacy Alynn; 24. Ms. Birch; 25. Marcy Dieter; 26. Benjamin Garcia; 27. Genevieve Peters; 28. Diane Davani; 29. Ted Fuentes; 30. Grant Gerhart; 31. Jim Gilchrist; 32. Octavian Cinca; 33. Mike Tokes; 34. Larry Bales; 35. Jesse S.; 36. Jo Reitkopp; 37. Harim Uziel; 38. Kimberly Mason; 39. Arely Posey; 40. Kenny Strawn; 41. Beverly Welch; 42. Anisha; 43. Tom Palzer; 44. Jessica Runfola; 45. Joseph Chan; 46. Jonathon Adler; 47. Arthur Schaper; 48. Jennifer Martinez; 49. Lisa Antone; 50. Jennifer Harrison; 51. Dura Young; 52. Fred McIntosh; 53. Timothy Sisk; 54. Nina Davar; 55. Steve Lozeno; and 56. Valentina Bankhead.

MAYOR HARRINGTON RECESSED THE MEETING AT 11:49 P.M. AND RECONVENED AT 11:56 P.M.

Staff responded to questions regarding potential cost and ramifications to the City, conflicting directives to law enforcement, clarification for law enforcement, prior discussions or meetings regarding issue, safety statistics, police services enforcement of law, and oath of office.

MOTION: COUNCILMEMBER MUNZING MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO JOIN THE MUNICIPAL / LAW ENFORCEMENT AMICUS BRIEF TO BE FILED BY THE IMMIGRATION REFORM LAW INSTITUTE AND IN BRIEFS TO BE FILED BY THE CITY OF LOS ALAMITOS AND THE COUNTY OF ORANGE IN CONCERT WITH OTHER ORANGE COUNTY CITIES IN SUPPORT OF THE DEPARTMENT OF JUSTICE IN UNITED STATES OF AMERICAN V. STATE OF CALIFORNIA.

MOTION CARRIED 4-1, WITH MAYOR PRO TEM CHUN DISSENTING

MOTION: COUNCILMEMBER MUNZING MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO ADOPT RESOLUTION NO. 2018-10 IN SUPPORT OF THE OATH OF OFFICE AND THE RULE OF LAW.

MOTION CARRIED 4-1, WITH COUNCILMEMBER TSUNODA DISSENTING

14. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CA SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018**

City Manager David Doyle provided the staff report. Staff responded to questions regarding City's authority to take a position on the matter. Mayor Harrington opened for public comment and the following person spoke:

1. Dawn Froeschner expressed support of the matter.

MOTION: MAYOR PRO TEM CHUN MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO APPROVE RESOLUTION NO. 2018-11 SUPPORTING THE PLACEMENT OF THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018 ON AN UPCOMING STATEWIDE BALLOT.

MOTION CARRIED UNANIMOUSLY

COMMUNITY INPUT:

1. Scott Geller expressed concern with electric vehicle laws.
2. Jon Dumitru expressed concern with proposed staff reduction at the emergency communications center by the Orange County Fire Authority.
3. Chad Kurthy expressed concern with proposed staff reduction at the emergency communications center by the Orange County Fire Authority.

CITY MANAGER'S REPORT

None.

ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES

Councilmember Munzing: None

Councilmember Phillips:

- Commented on safety improvements at the Aliso Viejo Library

Councilmember Tsunoda: None

Mayor Pro Tem Chun: None

Mayor Harrington:


- Submitted in writing:
 - Attended Mayors' Prayer Breakfast
 - Attended ACC-OC Sober Living Homes Roundtable
 - Attended OCFA Board of Directors Meeting
 - Attended South Orange County Economic Coalition Meeting
 - Attended Community Cup Golf Tournament
 - Attended ACC-OC Legislative & Regulatory Committee Meeting
 - Attended El Toro Water District Demonstration Garden Grand Opening
 - Filmed State of the City video at Aliso Viejo Ranch.

ADJOURNMENT: Mayor Harrington adjourned the meeting at 1:21 a.m. to the regularly scheduled meeting of May 2, 2018.

Respectfully submitted:

Approved by:


MITZI ORTIZ, MMC
CITY CLERK


DAVID C. HARRINGTON
MAYOR