

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
MARCH 16, 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
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR / CITY
ENGINEER
OMAR DADABHOY, PLANNING DIRECTOR
ERICA ROESS, SENIOR PLANNER
SGT. RAY ULMER, ADMINISTRATIVE SERGEANT
SARAH BARKER, EMERGENCY MANAGEMENT
COORDINATOR

REPORT ON CLOSED SESSION: City Attorney Scott Smith reported on action taken at the March 2, 2016 Special Meeting in the case of Edwards Theatres, Inc. v. City of Aliso Viejo, Case Number 30-2016-00830094-CU-WM-CJC. A motion was made by Mayor Pro Tem Harrington and seconded by Councilmember Chun to approve a settlement and stipulated judgment. The motion passed 4-0-1 with Councilmember Tsunoda absent.

PLEDGE OF ALLEGIANCE: Boys & Girls Club Youths of the Month led the pledge of allegiance.

SPECIAL PRESENTATIONS:

A. **RECOGNITION TO ALISO NIGUEL HIGH SCHOOL TEACHER OF THE YEAR
CHRISTINA SEPE**

Mayor Munzing presented a Certificate of Recognition to Christina Sepe.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

City Manager David Doyle requested the reordering of the City Manager's Report, which was approved by Council consensus. Mr. Doyle presented a video on the Dairy Fork Constructed Wetland Project.

CONSENT CALENDAR ITEM NOS. 1-3:

Mayor Munzing 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
HARRINGTON SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 3, 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 2, 2016 SPECIAL MEETING AND MARCH
2, 2016 REGULAR MEETING**

Approved the subject Minutes as submitted.

3. **ACCOUNTS PAYABLE**

1. Ratified accounts payable checks issued February 25, 2016 in the amount of \$185,352.37; and
2. Ratified accounts payable checks issued March 3, 2016 in the amount of \$86,169.43.

MOTION CARRIED UNANIMOUSLY

END OF CONSENT CALENDAR

PUBLIC HEARING ITEM NOS. 4-5:

4. CONDITIONAL USE PERMIT / SITE DEVELOPMENT PERMIT (CUP / SDP) FOR A 980 SQUARE FOOT ADDITION TO AN EXISTING CONVENIENCE STORE AT AN EXISTING GAS STATION SITE WITHIN TOWN CENTER (PA15-032)

City Manager David Doyle introduced Planning Director Omar Dadabhoj who provided the staff report. Mayor Munzing opened the public hearing and there were no speakers. Mayor Munzing closed the public hearing.

MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER CHUN SECONDED TO ADOPT RESOLUTION NO. 2016-11 APPROVING PLANNING APPLICATION PA15-032 (CUP / SDP) TO ALLOW A 980 SQUARE FOOT ADDITION TO AN EXISTING CONVENIENCE STORE AT AN EXISTING GAS STATION SITE WITHIN TOWN CENTER AT 26871 ALISO CREEK ROAD.

MOTION CARRIED UNANIMOUSLY

5. RESOLUTION AUTHORIZING THE CITY OF ALISO VIEJO'S FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION PROJECTION OF \$225,958 TO BE UTILIZED FOR AMERICAN DISABILITY ACT (ADA) IMPROVEMENTS AT FIFTY-SIX (56) CURB RAMP LOCATIONS WITHIN ALISO VIEJO

City Manager David Doyle introduced Public Works Director / City Engineer Shaun Pelletier who provided the staff report. Mayor Munzing opened the public hearing and there were no speakers. Mayor Munzing closed the public hearing. Staff responded to questions regarding previous curb ramp project and CDBG program administration.

MOTION: COUNCILMEMBER PHILLIPS MOVED AND MAYOR PRO TEM HARRINGTON SECONDED TO CONDUCT A PUBLIC HEARING AND ADOPT RESOLUTION NO. 2016-12 DECLARING THE CITY'S INTENT TO UTILIZE FISCAL YEAR 2016-2017 CDBG PROGRAM FUNDING FOR ADA IMPROVEMENTS AT FIFTY-SIX (56) CURB RAMP LOCATIONS WITHIN ALISO VIEJO.

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEM NOS. 6-8:

6. REPORT ON SETTLEMENT AND STIPULATED JUDGEMENT IN EDWARDS THEATRES, INC. V. CITY OF ALISO VIEJO

City Manager David Doyle introduced City Attorney Scott Smith who provided the staff report. Mayor Munzing opened for public comment and there were no speakers. Staff responded to questions regarding the Woody's Wharf v. City of Newport Beach decision and potential amendments to the Municipal Code. No further action was taken.

7. CONSIDER AUTHORIZATION OF YGRENE ENERGY FUND CA LLC PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING PROGRAM IN THE CITY OF ALISO VIEJO AND CONSIDER ESTABLISHING MINIMUM STANDARDS FOR ACCEPTING FUTURE PACE PROVIDER REQUESTS

City Manager David Doyle provided the staff report. Emily Goodwin and Brent Neben (Ygrene Energy Fund CA LLC) provided additional information. Mayor Munzing opened for public comment and the following persons spoke:

1. Scott White, on behalf of OCAR, expressed concern for PACE financing programs.

There were no other speakers. Staff and applicant responded to questions regarding history of PACE program, scheduling of the agenda item, oversight of program, applying standards to current providers, funding sources, industry regulations, loan to value, stated income loans, contractual subordination, and City's role in program.

MOTION: MAYOR PRO TEM HARRINGTON MOVED AND COUNCILMEMBER TSUNODA SECONDED TO:

1. RECEIVE PRESENTATION FROM YGRENE ENERGY FUND CA LLC (YGRENE) REPRESENTATIVES;
2. AUTHORIZE YGRENE PACE FINANCING IN THE CITY OF ALISO VIEJO;
3. AUTHORIZE THE FOLLOWING ACTIONS UNDER ITEM #2:
 - MAKE FINDINGS THAT THE CITY'S PARTICIPATION IN THE YGRENE PACE FINANCING PROGRAM IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINES SECTION 15378(B)(4);
 - ADOPT A RESOLUTION CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE (CHF) AUTHORITY PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE;
 - ADOPT A RESOLUTION CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER

- CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE; AND
- APPROVE ASSOCIATE MEMBERSHIP IN THE CALIFORNIA HOME FINANCE JOINT EXERCISE OF POWERS AUTHORITY AND AUTHORIZE THE APPROPRIATE CITY OFFICIALS TO EXECUTE ANY NECESSARY DOCUMENTS.
4. DIRECT STAFF TO PREPARE A FUTURE AGENDA REPORT IDENTIFYING MINIMUM STANDARDS THAT CAN BE APPLIED TO FUTURE REQUESTS FROM PACE PROVIDERS.

SUBSTITUTE MOTION: COUNCILMEMBER PHILLIPS MOVED TO:

1. RECEIVE PRESENTATION FROM YGRENE ENERGY FUND CA LLC (YGRENE) REPRESENTATIVES;
2. AUTHORIZE YGRENE PACE FINANCING IN THE CITY OF ALISO VIEJO;
3. AUTHORIZE THE FOLLOWING ACTIONS UNDER ITEM #2:
 - MAKE FINDINGS THAT THE CITY'S PARTICIPATION IN THE YGRENE PACE FINANCING PROGRAM IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINES SECTION 15378(B)(4);
 - ADOPT RESOLUTION NO. 2016-13 CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE (CHF) AUTHORITY PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE;
 - ADOPT RESOLUTION NO. 2016-14 CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE; AND
 - APPROVE ASSOCIATE MEMBERSHIP IN THE CALIFORNIA HOME FINANCE JOINT EXERCISE OF POWERS AUTHORITY AND AUTHORIZE THE APPROPRIATE CITY OFFICIALS TO EXECUTE ANY NECESSARY DOCUMENTS.
4. DIRECT STAFF TO PREPARE A FUTURE AGENDA REPORT IDENTIFYING MINIMUM STANDARDS THAT CAN BE APPLIED TO REQUESTS FROM PACE PROVIDERS.

MAYOR PRO TEM HARRINGTON WITHDREW HIS MOTION AND SECONDED THE SUBSTITUTE MOTION.

SUBSTITUTE MOTION CARRIED 3-2, WITH COUNCILMEMBER TSUNODA AND MAYOR MUNZING DISSENTING

8. CITY OF ALISO VIEJO EMERGENCY OPERATIONS PLAN

City Manager David Doyle introduced Emergency Management Coordinator Sarah Barker who provided the staff report. Mayor Munzing opened for public comment and there were no speakers. Staff responded to questions regarding communications, tabletop exercise,

MOTION: COUNCILMEMBER CHUN MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO APPROVE THE UPDATED COPY OF THE EMERGENCY OPERATIONS PLAN.

MOTION CARRIED UNANIMOUSLY

COMMUNITY INPUT:

None.

CITY MANAGER'S REPORT

This matter was heard during Additions, Deletions, Reordering to the Agenda.

ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES

Councilmember Chun:

- Attended TCA Meetings
- Participated in WASC certification interviews for Aliso Niguel High School
- Attended ACC-OC and League of California Cities Meetings in Sacramento
- Participated in League of California Cities Orange County Division conference call
- Attended SCAG Regional Council Meeting
- Attended California Transportation Committee Meeting
- Attended Aliso Viejo Chamber of Commerce Breakfast
- Wished Mayor Munzing a happy birthday

Councilmember Phillips:

- Wished Mayor Munzing a happy birthday

Councilmember Tsunoda:

- Wished Mayor Munzing a happy birthday

Mayor Pro Tem Harrington:

- Attended Grand Juror's Association Luncheon
- Attended City's Active Shooter Training
- Attended Swallows Day parade and suggested Founder's Day parade
- Commented on son's "color run" through Los Angeles Sheriff's Office

Mayor Munzing:

- Attended SCAG Regional Council Meeting
- Attended National League of Cities Conference

ADJOURNMENT: Mayor Munzing adjourned the meeting at 9:44 p.m. to the regularly scheduled meeting of April 6, 2016.

Respectfully submitted:

Approved by:



MITZI ORTIZ MMC
CITY CLERK



MIKE MUNZING
MAYOR