

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
May 2, 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 7:05 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 (arrived at 8:59 p.m.)  
HONGDAO NGUYEN, DEPUTY CITY ATTORNEY  
MITZI ORTIZ, CITY CLERK  
GLENN YASUI, ADMINISTRATIVE SERVICES DIRECTOR  
GINA THARANI, FINANCE DIRECTOR  
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR / CITY  
ENGINEER  
OMAR DADABHOY, COMMUNITY DEVELOPMENT  
DIRECTOR  
ERICA ROESS, SENIOR PLANNER  
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER  
BRETT GARDNER, ADMINISTRATIVE SERGEANT

**PLEDGE OF ALLEGIANCE:** Cub Scout Pack 729 led the pledge of allegiance.

**REPORT FROM CLOSED SESSION:** Deputy City Attorney HongDao Nguyen stated no reportable action was taken. Please refer to May 2, 2018 Special Meeting Minutes.

**SPECIAL PRESENTATIONS:**

- A. COUNCIL RECOGNITION AND PRESENTATION TO ALISO NIGUEL HIGH SCHOOL BOYS SOCCER TEAM FOR WINNING FIRST CIF-SOUTHERN SECTION TITLE

Mayor Harrington introduced Coach Randy Dodge, who commented on the team's achievements. Mayor Harrington presented the team members with Certificates of Recognition.

B. COUNCIL RECOGNITION AND PRESENTATION TO EXPERIENCE CORPS OC VOLUNTEERS FOR THE LITERACY TUTORING PROGRAM AT BOYS & GIRLS CLUB

Mayor Harrington introduced Parentis Foundation Executive Director Janice Frechette-Artinger, who provided an overview of the program. Mayor Harrington presented the volunteers with Certificates of Appreciation.

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

Mayor Harrington presented a Certificate of Recognition to owner Zaid Al-Awad. Mr. Al-Awad expressed his appreciation.

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

None.

**COMMUNITY INPUT:**

1. Jim Gilchrist expressed concern with illegal immigration.
2. Grant Lopez expressed support for Lenore Albert-Sheridan, candidate for Orange County District Attorney.
3. David Bendall commented on rule of law and accountability of elected officials.

**CONSENT CALENDAR ITEM NOS. 1-10:**

Mayor Harrington asked if any member of the City Council, staff or the public wished to remove an item from the Consent Calendar. Mayor Harrington requested the removal of Item No. 6 and Item No. 10 for public comment. There were no additional requests to remove items from the Consent Calendar.

**MOTION: MAYOR PRO TEM CHUN MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1-5, AND 7-9, 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 – APRIL 4, 2018 REGULAR MEETING

Approved the subject Minutes as submitted.

3. SECOND READING AND ADOPTION OF ORDINANCE RELATED TO VESTED RIGHTS

Conducted second reading and adopted Ordinance No. 2018-195 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, MUNICIPAL CODE TITLE 15 (ZONING CODE) TO REVISE SECTION 15.02.020 (APPLICABILITY OF REGULATIONS), SUBDIVISION C (APPLICABILITY AND EFFECT ON PRIOR PERMITS), RELATING TO THE TIMING OF VESTED RIGHTS.

4. ACCOUNTS PAYABLE

1. Ratified accounts payable checks and electronic funds transfers issued March 29, 2018 in the amount of \$940,319.09;
2. Ratified accounts payable checks issued April 5, 2018 in the amount of \$45,060.68; and
3. Ratified accounts payable checks and electronic funds transfers issued April 12, 2018 in the amount of \$133,017.04.

5. TREASURER'S STATEMENT – MARCH 2018

Approved the March 2018 Treasurer's Statement.

6. AGREEMENT FOR USE OF THE ALISO VIEJO CENTER BY AMBRY GENETICS

This item was removed from the Consent Calendar.

7. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR SENIOR TRANSPORTATION SERVICES WITH AGE WELL SENIOR SERVICES, INC. FOR FY 2017-18

1. Authorized the City Manager to execute a second amendment in the amount of \$6,800 to the agreement for Senior Transportation Services with Age Well Senior Services for a not-to-exceed amount of \$36,875; and
2. Authorized the appropriation of \$5,200 from Measure M reserves.

8. H.R. 5100 – RECOVERY HOME CERTIFICATION ACT; SB 1290 – PATIENT BROKERING ACT; AND SB 902 – BACKGROUND CHECKS IN RESIDENTIAL TREATMENT FACILITIES

Authorized the Mayor to send letters on behalf of the City Council expressing support for H.R. 5100; SB 1290; and SB 902.

9. ASSEMBLY BILL 1912 (RODRIGUEZ) – PUBLIC EMPLOYEE'S RETIREMENT: JOINT POWERS AGREEMENTS: LIABILITY

Authorized the Mayor to send a letter on behalf of the City Council expressing opposition to Assembly Bill 1912.

10. APPROPRIATE \$70,000 FROM GENERAL FUND RESERVES TO FUND SECURITY IMPROVEMENTS AT THE ALISO VIEJO LIBRARY AND AUTHORIZE CITY MANAGER TO ENTER INTO AGREEMENT WITH ORANGE COUNTY LIBRARY TO IMPLEMENT IMPROVEMENTS

This item was removed from the Consent Calendar.

**MOTION CARRIED UNANIMOUSLY**

**END OF CONSENT CALENDAR**

**REMOVED FROM CONSENT CALENDAR**

6. AGREEMENT FOR USE OF THE ALISO VIEJO CENTER BY AMBRY GENETICS

Mayor Harrington opened for public comment and the following person spoke:

1. Tiffany Ackley expressed concern that the agreement doesn't require Ambry Genetics to remain in the City.

City Manager David Doyle responded to questions regarding agreement terms.

**MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER MUNZING SECONDED TO:**

1. DECLARE THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") UNDER SECTION 15061(B)(3) AS THE ACTIVITY IS COVERED BY THE GENERAL RULE THAT CEQA APPLIES ONLY TO PROJECTS WHICH HAVE THE POTENTIAL FOR CAUSING SIGNIFICANT EFFECT ON THE ENVIRONMENT. WHERE IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THAT THE ACTIVITY IN QUESTION MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, THE ACTIVITY IS NOT SUBJECT TO CEQA;
2. APPROVE THE LETTER OF AGREEMENT FOR USE OF THE ALISO VIEJO CENTER BY AMBRY GENETICS WITH RELATED FUNDING OF \$3,200 FOR THE LIFE OF THE FIVE-YEAR AGREEMENT; AND
3. AUTHORIZE THE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS.

**MOTION CARRIED UNANIMOUSLY**

10. APPROPRIATE \$70,000 FROM GENERAL FUND RESERVES TO FUND SECURITY IMPROVEMENTS AT THE ALISO VIEJO LIBRARY AND AUTHORIZE CITY MANAGER TO ENTER INTO AGREEMENT WITH ORANGE COUNTY LIBRARY TO IMPLEMENT IMPROVEMENTS

Mayor Harrington opened for public comment and the following person spoke:

1. Tiffany Ackley expressed concern that the City is improving a County facility.

City Manager David Doyle responded to questions regarding need for improvements, owner of facility and bidding procedures.

**MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER MUNZING SECONDED TO APPROVE EXPENDITURE, APPROPRIATE NECESSARY FUNDS (\$70,000) AND AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT FOR IMPROVEMENTS.**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC HEARING ITEM NO. 11:**

11. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING THE ALISO VIEJO MUNICIPAL CODE RELATED TO THE FOLLOWING CODE CHAPTERS: 15.10 RESIDENTIAL DISTRICTS; 15.18 NON-RESIDENTIAL DISTRICTS; 15.22 SUPPLEMENTAL NONRESIDENTIAL REGULATIONS, 15.26 SPECIAL PURPOSE DISTRICTS; 15.38 PARKING; 15.94 DEFINITIONS; AND ZONING CODE APPENDIX A REQUIREMENTS FOR CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN.

City Manager David Doyle introduced Senior Planner Erica Roess, who provided the staff report. Community Development Director Omar Dadabhoj and Deputy City Attorney HongDao Nguyen provided additional information. Staff responded to questions regarding residential zoning, separation of use provision, state regulations, existing facilities, impact on medical offices, conditional use permits, size designation, exceptions, existing moratorium and parking.

Mayor Harrington opened the public hearing and the following persons spoke:

1. John Stratman, Kaiser Permanente, expressed concerns with the potential impact on mental and behavioral health services.
2. Richard Moldawsky, MD, Kaiser Permanente, expressed concerns with the potential impact on mental and behavioral health services.
3. Fernando Avila, Kaiser Permanente, expressed concern with legality of the proposed ordinance.
4. Carol Trapani, CBRE, expressed concern with extending the moratorium.

There were no other speakers. Mayor Harrington closed the public hearing. Councilmembers commented on the matter.

**MOTION: MAYOR PRO TEM CHUN MOVED AND COUNCILMEMBER MUNZING SECONDED TO CONTINUE THE PUBLIC HEARING TO JUNE 6, 2018.**

**MOTION CARRIED UNANIMOUSLY**

**DISCUSSION ITEM NOS. 12 - 13:**

12. **ORDINANCE AMENDING CHAPTER 3.02 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO BIDDING, CONTRACTING AND PURCHASING OF SUPPLIES, SERVICES AND EQUIPMENT**

City Manager David Doyle introduced Finance Director Gina Tharani, who provided the staff report. Staff responded to questions regarding federal funding.

**MOTION: COUNCILMEMBER MUNZING MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO:**

1. **DECLARE THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER SECTIONS 15378(B)(2) AND 15378(B)(4). (PUBLIC RESOURCE CODE § 21065; GUIDELINES § 15378);**
2. **INTRODUCE AND APPROVE FOR FIRST READING THE ORDINANCE ENTITLED:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING CHAPTER 3.02 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO BIDDING, CONTRACTING AND PURCHASING OF SUPPLIES, SERVICES AND EQUIPMENT; AND**

3. **ADOPT THE REVISED CITY COUNCIL POLICY ON PURCHASING PROCEDURES.**

**MOTION CARRIED UNANIMOUSLY**

13. **PROPOSED ANNUAL BUDGET FOR FY 2018-19**

City Manager David Doyle introduced Finance Director Gina Tharani, who provided the staff report. Staff responded to questions regarding overall fiscal health, County fees, agency memberships, approval process, GIS program, utility costs, public safety costs and personnel changes. Mayor Harrington opened for public comment and the following persons spoke:

1. Tiffany Ackley requested clarification regarding Aliso Viejo Exchange and expressed support of the City's continued membership in ACC-OC.

There were no other speakers. Councilmembers commented on the matter.

**MOTION: MAYOR PRO TEM CHUN MOVED AND COUNCILMEMBER MUNZING SECONDED TO CONTINUE THE MATTER.**

**MOTION CARRIED UNANIMOUSLY**

**CITY MANAGER'S REPORT**

City Manager David Doyle announced registration for Summer Camps; Soka International Festival to be held from 10:30 a.m. to 5:30 p.m. on May 5, 2018 at Soka University; and encouraged residents to follow the City on Facebook, Twitter and Instagram.

**ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES**

Councilmember Munzing:

- Submitted in writing:
  - Attended Boys & Girls Club of Laguna Beach Community Partner's Breakfast
  - Attended ACC-OC Business Dinner
  - Attended 2018 State of the City
  - Attended ACC-OC Short-Term Rental Roundtable
  - Attended South Orange County Economic Coalition Legislative Reception
  - Attended TCA Special Budget Meeting
  - Attended Orange County Sheriff's Department Medal of Valor Award Ceremony
  - Attended Taste of Aliso Niguel

Councilmember Phillips:

- Commented on Orange County Public Library expenditures
- Submitted in writing:
  - Attended Aquatic Center Grand Re-Opening
  - Attended Library Advisory Board Executive Committee Meeting

Councilmember Tsunoda: None

Mayor Pro Tem Chun:

- Commented on City's receipt of 2017 Program Partner Award from the Boys & Girls Club of Laguna Beach
- Commented on City's receipt of 2018 Affordable Housing Award for Vintage Aliso
- Commented on snack baskets and letters presented to first responders by Aliso Viejo Indian Princess youth group

Mayor Harrington:

- Submitted in writing:


- Attended Baby Shower for 1<sup>st</sup> Maintenance Marine Battalion – Camp Pendleton
- Attended Aquatic Center Grand Re-Opening
- Attended Boys & Girls Club of Laguna Beach Community Partner's Breakfast
- Attended Building Industry Association of Southern California PAC Gala
- Attended CUSD Mayors Roundtable
- Attended Orange County Taxpayers Association Luncheon and Candidate Forum
- Attended South Orange County Association of Mayors Meeting
- Attended 2018 State of the City
- Attended California State University, Fullerton Town Hall Meeting
- Attended BurgerIM Grand Opening
- Attended South Orange County Economic Coalition Golf with the Mayors Event
- Attended meeting with Coast Hills Church
- Attended ACC-OC Legislative & Regulatory Committee Meeting
- Attended Orange County Sheriff's Department Medal of Valor Award Ceremony
- Attended City of Aliso Viejo / CUSD Standing Committee Meeting

**ADJOURNMENT:** Mayor Harrington adjourned the meeting at 9:51 p.m. to the regularly scheduled meeting of May 16, 2018.

Respectfully submitted:

Approved by:

  
 MITZI ORTIZ, MMC  
 CITY CLERK

  
 DAVID C. HARRINGTON  
 MAYOR