



# MISSION VIEJO MINUTES

City Council, Community Development Financing Authority,  
Successor Agency of the Community Development Agency,  
Housing Authority, and Library Board of Trustees\*

October 25, 2022

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A Regular Meeting of the City Council, the Community Development Financing Authority, the Successor Agency of the Community Development Agency, the Housing Authority, and the Library Board of Trustees of the City of Mission Viejo, California, was called to order by Mayor Bucknum at 5:01 p.m., on October 25, 2022, at 200 Civic Center, Mission Viejo, California.

A complete copy of the agenda for the meeting containing all items as shown herein was posted by 5:00 p.m. on October 20, 2022, on the outdoor bulletin board at City Hall. A copy was also posted at the Montanoso Recreation and Fitness Center, 25800 Montanoso Drive and Norman P. Murray Community and Senior Center, 24932 Veterans Way.

\*All Board and Agency memberships are reflected in the title "Council Member."

**Present:** Council Member Kelley  
Council Member Goodell (*arrived at 5:03 p.m.*)  
Council Member Rath  
Mayor Pro Tem Sachs  
Mayor Bucknum

**Absent:** None

**Staff Present:** Dennis Wilberg, City Manager  
Keith Rattay, Assistant City Manager  
William P. Curley III, City Attorney  
Kimberly Schmitt, City Clerk  
Renata Winter, Assistant City Clerk

## CLOSED SESSION

**CS1. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6(a): Agency Negotiators: City Manager Dennis Wilberg; Assistant City Manager Keith Rattay; City Attorney William Curley; Human Resources Manager Monique Goetz; Labor Attorney Peter Brown: Employee Organization: Service Employees' International Union (SEIU)**

Robert Breton, M.V.: Spoke on his gratitude to the City Council and Staff. He pointed out how the City Manager and Assistant City Manager on how their vision has taken us to the promised land. Criticized the current lawsuit as petty and strictly for partisan political purposes.

## **RECESS TO CLOSED SESSION AND RECONVENE**

At the hour of 5:07 p.m., Mayor Bucknum recessed the meeting to Closed Session. The City Council reconvened at 6:00 p.m. with all five City Council Members present.

## **REPORT OF CLOSED SESSION**

City Attorney Curley stated that there was one labor negotiation closed session and council gave direction but no reportable action.

## **INVOCATION: Council Member Goodell**

## **PLEDGE OF ALLEGIANCE: Mayor Bucknum**

## **PRESENTATIONS**

### **P1. Proclamation of the Council of the City of Mission Viejo Supporting the Iranian-American Community and Condemning the Violence Perpetrated by the Government of Iran Against Its People**

Presented proclamation to Shani Moslehi.

### **P2. Presentation for the Honorees at the Mission Viejo Chamber of Commerce Women in Business Event**

Presented certificates of commendation to Visionary of the Year, Carmen Stramara on behalf of Cristina Gamarnik, owner of The Mommy Center; Advocate of the Year, Lauren Becker, Regional Director at Braille Institute; Resilience Award, Kateryna Karasyk, Managing Director of Elephant Signage & Display; Owner of the Year, Kelly Uygan, Blue Moon Pilates; and Founder of the Year, Jane Parmenter, Co-Founder of Parmenter Insurance.

### **P3. Proclaim November 26, 2022, To Be Small Business Saturday**

Presented proclamation to Chamber of Commerce CEO Doug Zielasko.

### **P4. State Legislative Updates**

Received presentation from Cori Takkinen of Townsend Public Affairs.

## **PUBLIC COMMENTS**

Henny Abraham, Costa Mesa: Spoke out against the atrocities in Iran and encouraged all cities to support the Iranian community. She thanked the City Council for their support.

Robert Breton, M.V.: Spoke in support of the City Council under the distractions that they are facing and praised their calm and dignified presence. Stated there is no bad findings in this lawsuit.

Bill Moorhead, M.V.: Introduced himself as Board Member of Moulton Niguel Water District and outlined his accomplishments and asked for your vote. He announced his website is Moorehead4water.com. and supports Donald Froelich and Diane Rifkin for the Moulton Niguel Water Board.

Diane Rifkin, Laguna Niguel: Introduced herself as a Board Member on Moulton Niguel Water District and outlined her experience. Asked for her vote and supports Bill Moorhead and Donald Froelich.

Donald Froelich, Laguna Hills: Introduced that he is VP of Moulton Niguel Water District and is running for re-election and asked for his support. Voiced concerns of the current drought situation.

Cathy Schlicht, M.V.: Stated that the City Council is a disgrace and the City Attorney should be disbarred. Recapped the current lawsuit. Encouraged voters to visit MissionViejoGuardian.com.

David Rynerson, Huntington Beach: Spoke in favor of SolarAPP+ for online permitting for residential solar panels. Stated that there are grant opportunities.

Bob Ruesch, MV: Announced he is running for City Council in District 1 and asked residents in District 1 to vote for him. He outlined his experience on the Planning Commission and what he has accomplished during his term.

Lamar Kirchhevel, Laguna Hills: Spoke on SB 379 that requires cities to streamline rooftop solar online permitting. SolarAPP+ from the US Department of Energy is a no cost option for cities through limited grants. Encouraged the City to complete the grant application so residents have an easier time pulling permits.

Ed Maurer, M.V.: Spoke on renewable energy and is in favor of SolarAPP+.

Emma Walker, Huntington Beach: Spoke in favor of SolarAPP+ for online permitting for residential solar panels. She recapped cities that currently have this online permitting system.

Connie Lanzisera, M.V.: Spoke on item #11 and had various question to staff. Voiced concerns on the cost to the City.

Terri Aprati, M.V.: Announced that she is running for City Council in the 4<sup>th</sup> district and asked residents in her District to vote for her. She outlined her goals if elected. She encouraged that we work together and to be non-partisan.

Walt Lawson, M.V.: Spoke out against the three Council Members for illegally holding office. He recapped the lawsuit. Criticized the Chamber of Commerce Council Forum held last Wednesday.

Tom Moore, M.V.: Spoke on the specific plan for the Village Center and suggested ideas.

Ken Golemo, M.V.: Announced that he is running for District 4 as a write-in candidate. He observed that while he has been canvassing the large part of his district didn't understand district voting. Asked for help on his and his wife's self-published children's book to be read at the Library. He ended his comments in a prayer.

Michelle O'Brien, M.V.: Stated that she loves everything about Mission Viejo. Questioned that during the candidate forum not one candidate had any new ideas. She praised on how the current Council along with Rancho Santa Margarita Water District were able to get more water in Lake Mission Viejo. She commented on the partisan lawsuit. Voiced outrage on the person who stole her flag, pole and the mounting from her home.

Wendy Lee, M.V.: Commented that Mission Viejo is one of the safest cities in the U.S. and safest schools. Voiced concerns of the newly adopted laws from the State Legislature on housing. She stated it's more important now to have a City Council that will fight to keep the State in check. She praised the current City Council.

Linda Shepard, M.V.: Announced that she is running in District 1 for City Council. She outlined her qualifications and requested your vote. Stated her website is [electlindashepard.org](http://electlindashepard.org) Spoke out against abortion and asked residents to vote no on Proposition 1.

Rebekah Earnest, M.V.: Thanked the City Council for their service and complimented the slope maintenance and special events throughout the City. She spoke on the current condition of the Garden Center and the disrepair it is in and voiced concerns on this center.

Mayor Bucknum asked that staff bring back information on SolarAPP+ at a future meeting.

## **CONSENT CALENDAR**

Item 11 was removed from the Consent Calendar for separate consideration.

Motion made by Council Member Kelley, seconded by Council Member Goodell, to approve the Consent Calendar outlined below.

On roll call, said motion carried by the following vote:

AYES: Bucknum, Goodell, Kelley, Raths, and Sachs  
NOES: None  
ABSENT: None

### **1. City Council Minutes**

Approved the regular City Council Minutes for the meeting of October 25, 2022, as presented.

### **2. Check Register Dated September 23, 2022 in the Amount of \$980,441.78**

Ratified the accompanying check register.

**3. Check Register Dated September 30, 2022 in the Amount of \$1,735,159.14**

Ratified the accompanying check register.

**4. Check Register Dated October 7, 2022 in the Amount of \$4,543,088.04**

Ratified the accompanying check register.

**5. City Treasurer's Monthly Report for August 2022**

Received and filed.

**6. Mission Viejo Community Development Financing Authority (MVCDF) Treasurer's Monthly Report for August 2022**

Received and filed.

**7. Mission Viejo Housing Authority (MVHA) Treasurer's Monthly Report for August 2022**

Received and filed.

**8. Successor Agency of the Community Development Agency Treasurer's Monthly Report for August 2022**

Received and filed.

**9. 2021 Residential Resurfacing-Asphalt Repairs and Asphalt Overlays (CIP 22838)-Notice of Completion**

(1) Certified the completion of and accept the improvements for the subject project; (2) authorized the City Manager to sign the Notice of Completion; (3) authorized the City Clerk to record the Notice of Completion with the County of Orange and to release the faithful performance and payment bonds one year and 35 days, respectively, after the date of recordation of the Notice of Completion contingent upon no claims or liens being filed with the City; (4) authorized the release of the final retention 35 days after the date of recordation of the Notice of Completion; and (5) approved Change Order No 1 to GMU Geotechnical, Inc. for \$23,879.

**10. Janitorial and Related Services at City Facilities and Recreation Centers**

(1) Approved Eighth Amendment to the existing maintenance contract with Alliance Building Maintenance, LLC, and (2) authorized a Change Order to the existing Purchase Order for Alliance Building Maintenance, LLC, in an amount not to exceed \$150,000.00.

**12. Amending the City of Mission Viejo Salary Schedule**

Adopted *Resolution 22-41* Amending the City's Salary Schedule Effective January 1, 2023.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**11. Civic Center EV Charging Stations - CIP 22249**

By consensus the City Council directed staff to continue this item to the next council meeting with more information on the maintenance cost and the charge for electricity that will be distributed.

**NEW BUSINESS**

**13. Proposed Ordinance Adopting the 2022 California Building and Fire Codes, the International Swimming Pool and Spa Code and the International Property Maintenance Code**

City Attorney Bill Curley gave a brief report and Building Official Paul Melby and OCFA Fire Marshal Lori Smith gave updates to the Building and Fire Codes.

Motion made by Council Member Goodell, seconded by Mayor Pro Tem Sachs, to (1) introduce Ordinance 22-346 Adopting by Reference the 2022 Editions of the California Building, Residential, Plumbing, Electrical, Mechanical, Green Building Standards, Historical Building, and Existing Building Codes, and the 2021 Editions of the International Swimming Pool and Spa Code and International Property Maintenance Code, Together, with Certain Appendices and Amendments Thereto, and Amending Title 8 of the Mission Viejo Municipal Code; (2) introduce Ordinance 22-347 Adopting by Reference the 2022 California Fire Code, Together with Certain Amendments and Deletions; and (3) schedule a Public Hearing for December 13, 2022 to adopt the Ordinances identified in (1) and (2).

On roll call, said motion carried by the following vote:

AYES: Bucknum, Goodell, Kelley, Raths, and Sachs  
NOES: None  
ABSENT: None

**MAYOR’S, COMMISSION, COMMITTEE REPORTS AND ACTIONS**

**14. Local Agency Formation Commission (LAFCO) Report**

No report was given.

**15. Orange County Transportation Authority (OCTA) Report**

Received report from Council Member Goodell.

## **16. Southern California Association of Governments (SCAG) Report**

Received report from Council Member Raths.

## **17. Transportation Corridor Agency (TCA) Report**

Received report from Council Member Kelley.

## **CITY MANAGER REPORT**

Assistant City Manager Keith Rattay presented a report on Parks and Facilities Improvement Projects Update.

## **CITY ATTORNEY REPORT**

City Attorney Curley stated that the Court of Appeals has put a Stay on all actions, the Council remains in office as valid office holders, you are not removed. The Court of Appeals is looking to see if the trial court process was correct or if there was prejudicial error.

## **COUNCIL MEMBER COMMENTS AND ACTIONS**

### **18. Council Member Reports of Events and Activities Attended ~ AB1234**

By consensus, the City Council Members acknowledged their event and activities calendars as presented in the report and agreed to provide any changes to the City Clerk for the public record.

#### **Council Member Goodell**

Council Member Goodell mentioned that he attended Laguna Niguel's State of the City, the Association of California Cities – Orange County (ACCOC) Fall Conference in Huntington Beach, the Montanoso Grand Opening, the Library Gala, and Principal for the Day at Newhart Middle School. He stated he will attend the Orange County Transportation Authority (OCTA) Finance and Administration committee meeting this week.

#### **Council Member Kelley**

Council Member Kelley alerted the community that there will be an event on Thursday 6:00 pm in the Council Chamber on the history of the Mission Viejo Library by Robert Breton. Commented that she has met with Code Enforcement and a resident regarding the Garden Center. She stated she attended the Tee It Up for Marines Golf Tournament at Camp Pendleton. She highlighted the Walk Against Drugs and gave kudos to Police Services. Council Member Kelley participated as Principal for the Day at Bathgate Elementary School. She also attended the Pumpkin Diving Event and the Dia de los Muertos event at the Potocki Center. Council Member Kelley noted that she left the Candidate Forum early to attend the Capistrano Unified School District meeting to advocate for

the Capistrano High School Football Stadium renovation. She commended the Superintendent Kirsten Vital Brulte, Deputy Superintendent Clarke Hampton, along with Board Members Gila Jones, and Judy Bullockus for their support and advocacy for this stadium. She noted that it did pass unanimously. Lastly, she stated that this Election has brought out the worst in people and that there is a lot of hit pieces being sent out. She encouraged resident to contact her if they hear or see anything that looks questionable.

### **Council Member Rath**

Council Member Rath thanked the Mayor for presenting the proclamation this evening to the Iranian American Community. He stated that he joined the Board of Directors of the Flying Leatherneck Aviation Museum which is being shut down in Miramar. It will now be moved to the Great Park in Irvine. He announced that Saddleback Valley American Legion Post 862 and 281 have merged and there will be a fundraiser at The Bistro K in Laguna Niguel on November 13 from 1pm to 4 pm. Council Member Rath congratulated the Women in Business awards. He stated he also attended the Montanoso Grand Opening and Tee it Up for Marines at Camp Pendleton, along with Principal of the Day at Castille Elementary School.

### **Mayor Pro Tem Sachs**

Mayor Pro Tem Sachs introduced and welcomed our new Fire Division Chief Cheyne Maule and thanked Baryic Hunter for the work he did as an interim Fire Chief.

### **Mayor Bucknum**

Mayor Bucknum commended Police Chief McDonald on the Walk Against Drugs. Emphasized how great of an event this is every year. She congratulated the City's successful events and asked if the Library could get Mr. Golemo's book read at the Library. Council Member Bucknum stated that the Mission Viejo J.V. Golf Team participated in the Under-Amour Women of Will Golf Tournament at the Oso Creek Golf Course. She announced that the Jr. Nationals and the Nationals for diving will be in Mission Viejo next year. She stated that the best form of government is the government that is closest to you, not Sacramento and this is why she serves on regional boards. Lastly, she read from a letter from a Montevideo 4<sup>th</sup> grade student and quoted from Proverbs, "Whoever walks in integrity walks securely".

### **ADJOURNMENT**

At the hour of 8:41 p.m., with no further business to come before the City Council at this session, Mayor Bucknum adjourned the meeting Tuesday, November 8, 2022.

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Kimberly Schmitt, City Clerk