

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
June 17, 2020, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

City Council conducted this meeting in accordance with California Governor Newsom's Executive Orders N-25-20 and N-29-20 and COVID-19 pandemic protocols.

CALL TO ORDER: Mayor Munzing called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:01 p.m.

ROLL CALL:

PRESENT: MAYOR MIKE MUNZING *(via teleconference)*
MAYOR PRO TEM TIFFANY ACKLEY *(via teleconference)*
COUNCILMEMBER ROSS CHUN *(via teleconference)*
COUNCILMEMBER DAVID C. HARRINGTON *(via teleconference)*
COUNCILMEMBER WILLIAM A. PHILLIPS *(via teleconference)*

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER
SCOTT C. SMITH, CITY ATTORNEY
MITZI ORTIZ, CITY CLERK
GINA THARANI, FINANCIAL SERVICES DIRECTOR
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR
OMAR DADABHOY, COMMUNITY DEVELOPMENT DIRECTOR
ADRIENNE GLADSON, SENIOR PLANNER
STEPHANIE PHILLIPS, RECREATION & COMMUNITY SERVICES
MANAGER
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER
LT. CHAD KAJFASZ, CHIEF OF POLICE SERVICES
SARAH LIMONES, SENIOR EMERGENCY MANAGEMENT PROGRAM
COORDINATOR

PLEDGE OF ALLEGIANCE: Information Technology Manager Isaac Aziz led the pledge of allegiance.

REPORT FROM CLOSED SESSION:

City Attorney Scott Smith reported the following action from Closed Session.

Motion: Councilmember Harrington moved and Councilmember Phillips seconded to amend the City's engagement with Jones Day to participate as a co-defendant in the lawsuit entitled *Emergency Shelter Coalition and Housing is a Human Right v City of San Clemente and the County of Orange* Motion carried unanimously

1. **SPECIAL PRESENTATIONS:**

None.

2. **ADDITIONS, DELETIONS, REORDERING TO THE AGENDA:**

Addition of Item: Councilmember Chun requested the addition of an item to extend Executive Order No. 1 dated April 16, 2020, requiring face coverings and compliance with social distancing for essential businesses

Motion: Councilmember Chun moved and Councilmember Harrington seconded to approve the addition of the item as Discussion Item No 6.5. Motion carried unanimously.

Mayor Munzing reordered the Discussion Items to be heard in the following order: 6.1, 6.4, 6.2, 6.5 and 6.3.

3. **COMMUNITY INPUT:**

None.

4. **CONSENT CALENDAR:**

Unless otherwise indicated below, the following pertains to all items on the Consent Calendar.

Motion: Councilmember Harrington moved and Councilmember Chun seconded to approve the recommended actions. Motion carried unanimously.

4.1. **WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS**

Recommended Action: Approve 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.

4.2. **APPROVAL OF MINUTES – MAY 20, 2020 REGULAR MEETING**

Recommended Action: Approve the subject Minutes as submitted

4.3 SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING TITLE 15 OF THE CITY OF ALISO VIEJO MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ORDINANCE TO BE EXEMPT FROM CEQA

Recommended Action: Conduct second reading and adopt Ordinance No. 2020-215 entitled: An Ordinance of the City Council of the City of Aliso Viejo amending Title 15 of the City of Aliso Viejo Municipal Code relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and finding the Ordinance to be Exempt from CEQA.

Motion: Councilmember Harrington moved and Councilmember Chun seconded to approve the recommended actions. Motion carried 4-1, with Councilmember Phillips dissenting.

4.4 ACCOUNTS PAYABLE

Recommended Action:

1. Ratify accounts payable checks and electronic funds transfers issued May 07, 2020 in the amount of \$103,497.95;
2. Ratify accounts payable checks and electronic funds transfers issued May 14, 2020 in the amount of \$1,682,890.07;
3. Ratify accounts payable checks and electronic funds transfers issued May 21, 2020 in the amount of \$843,226.68; and
4. Ratify accounts payable checks and electronic funds transfers issued May 28, 2020 in the amount of \$140,513.65.

4.5 TREASURER'S STATEMENT – APRIL 2020

Recommended Action: Approve April 2020 Treasurer's Statement

4.6. APPROPRIATIONS LIMIT – FISCAL YEAR 2020-21

Recommended Action: Adopt Resolution No. 2020-18 setting the Proposition 4 (Gann) Appropriations Limit for Fiscal Year 2020-21 for the City of Aliso Viejo at \$45,974,884, utilizing 28.79% of this limit in FY 2020-21.

4.7. BIENNIAL REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE

Recommended Action: Direct staff to review the City's Conflict of Interest Code for updates and submit its findings to Council by October 1, 2020.

4.8. RENEWED MEASURE M ELIGIBILITY

Recommended Action:

1. Adopt a 7-year Capital Improvements Program (CIP) for Street Projects, and
2. Adopt Resolution No. 2020-19 concerning the status of the Local Signal Synchronization Plan; and
3. Adopt Resolution No. 2020-20 concerning the status of the Pavement Management Plan

4 9 FIRST AMENDMENT TO THE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR CITY FACILITIES AND IGLESIA PARK BALL FIELD MAINTENANCE

Recommended Action:

1. Approve a First Amendment to the Agreement with Nieves Landscape, Inc. to perform Landscape Maintenance Services for City Facilities and Iglesia Park Ball Field Maintenance that extends the term one year and increases the contract amount by \$175,000 for a total authorization of \$700,000 since 2017; and
2. Authorize the City Manager to execute the First Amendment to the Agreement.

4 10. AGREEMENT WITH R.F. DICKSON CO., INC. FOR STREET SWEEPING SERVICES

Recommended Action:

1. Approve an agreement with R.F. Dickson Co., Inc. for street sweeping services for an initial term of 3 years totaling \$385,000; and
2. Authorize the City Manager to execute the Agreement for Street Sweeping Services with R.F. Dickson Co., Inc.

4.11. AGREEMENT WITH KNORR SYSTEMS, INC. FOR AQUATIC CENTER EQUIPMENT MAINTENANCE SERVICES

Recommended Action:

1. Approve Agreement with Knorr Systems, Inc. for Aquatic Center Equipment Maintenance Services for an initial term of 3 years totaling \$120,000; and
2. Authorize the City Manager to execute the Agreement for Aquatic Center Equipment Maintenance Services with Knorr Systems, Inc

4.12. AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES, LLC FOR ASSET MANAGEMENT SOFTWARE

Recommended Action:

- 1 Approve the Professional Software Services Agreement with CentralSquare Technologies, LLC for asset management software in the amount of \$109,220, with an additional contingency amount of \$6,450, for a total of \$115,670
2. Authorize the City Manager to execute the agreement.

4.13 AUTHORIZATION TO APPLY FOR LOCAL EARLY ACTION PLANNING ("LEAP") GRANT PROGRAM FUNDS

Recommended Action:

1. Find that the request is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Sections 15378(b)(4); and
2. Adopt Resolution No. 2020-21 to authorize the submittal of the Local Early Action Planning Grant Application to the State Department of Housing and Community Development (HCD), and
3. Authorize the City Manager, or his designee, to execute all necessary program, contract and grant documents.

4.14. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA TO RATIFY THE DIRECTOR OF EMERGENCY SERVICES' ORDER ESTABLISHING USE PERMITTING AND STANDARDS, AND TO WAIVE TEMPORARY USE PERMIT APPLICATION FEES

City Manager David Doyle introduce Community Development Director Omar Dadabhoj, who provided an overview. Staff responded to questions regarding surrounding cities, grant fund program and Town Center improvements. Councilmembers commented on the matter.

Recommended Action: Adopt Resolution No. 2020-22 to:

1. Ratify the Director of Emergency Services' Order establishing use and permitting standards for business operation with social distancing;
2. Waive fees for Temporary Use Permit (TUP) applications through July 1, 2021;
3. Approve a \$1,000 grant program with a total budget of \$25,000 to reimburse commercial/retail businesses for costs related to outdoor uses; and
4. Authorize \$25,000 for improvements to the outdoor area located between 26601 and 26851 Aliso Creek Road.

Motion: Councilmember Harrington moved and Councilmember Phillips seconded to approve the recommended actions. Motion carried unanimously.

4.15. AGREEMENT WITH RENEWABLE FARMS FOR THE FARM AT ALISO VIEJO RANCH

Recommended Action: Approve and authorize the City Manager to execute a license agreement with Renewable Farms for the management and operations of the farm at Aliso Viejo Ranch.

4.16. APPROVAL OF ECONOMIC ADJUSTMENT ASSISTANCE PROGRAM APPLICATION SUBMITTAL TO THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION

Recommended Action:

1. Find that the request is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Sections 15378(b);
2. Authorize the City Manager, or his designee, to execute all necessary program, contract and grant documents; and
3. Approve use of grant funding, including a 20% local contribution, for a citywide revolving loan fund.

5. PUBLIC HEARINGS:

5.1. REQUEST TO APPROVE PLANNING APPLICATION PA20-010 CONDITIONAL USE PERMIT (CUP) TO ALLOW APPROVAL OF A LARGE OUTPATIENT MEDICAL USE (WITH SIX OR MORE CLIENTS) LOCATED AT 26741 ALISO CREEK ROAD, SUITE F

City Manager David Doyle introduced Senior Planner Adrienne Gladson, who provided an overview. Community Development Director Omar Dadabhoj and City Attorney Scott

Smith provided additional information. Staff responded to questions regarding external alterations, window coverings and discretionary approval. Mayor Munzing opened the public hearing. There were no public comments. Mayor Munzing closed the public hearing. Councilmembers commented on the matter.

Recommended Action:

1. Conduct a public hearing;
2. Find that the request is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Sections 15301 and 15303 (Existing Facilities and New Construction or Conversion of Small Structures); and
3. Adopt Resolution No. 2020-23 to approve Planning Application PA20-010 Conditional Use Permit (CUP) to allow a large outpatient medical use (with six or more customers) located at 26741 Aliso Creek Road, Suite F.

Motion: Mayor Pro Tem Ackley moved and Councilmember Phillips seconded to approve the recommended actions. Motion carried unanimously.

5.2. VEHICLE MILES TRAVELED THRESHOLD ADOPTION

City Manager David Doyle introduced Public Works Director Shaun Pelletier, who provided an overview. Paul Hermann (Fehr & Peers) provided additional information. Staff and consultant responded to questions regarding change from previous method, mitigation impacts and responsibility, state regulations, threshold calculation and future development. Mayor Munzing opened the public hearing. There were no public comments. Mayor Munzing closed the public hearing. Councilmembers commented on the matter.

Recommended Action:

1. Conduct a public hearing; and
2. Adopt Resolution No. 2020-24 adopting Vehicle Miles Traveled thresholds of significance for California Environmental Quality Act (CEQA) compliance related to transportation impact analysis.

Motion: Councilmember Harrington moved and Councilmember Phillips seconded to approve the recommended actions. Motion carried unanimously.

5.3. APPROVE THE FY 2019-2020 ANNUAL ACTION PLAN SUBSTANTIAL AMENDMENT FOR THE PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT - CORONAVIRUS (CDBG-CV) FUNDS

City Manager David Doyle introduced Community Development Director Omar Dadabhoj, who provided an overview. Mike Linares (Mike Linares, Inc.) provided additional information. Staff responded to questions regarding program requirements, low income housing, administrative costs, and small business loan program. Mayor Munzing opened the public hearing. There were no public comments. Mayor Munzing closed the public hearing. Councilmembers commented on the matter.

Recommended Action:

- 1 Conduct a public hearing;
- 2 Declare the City Council finds the FY 2019-2020 Annual Action Plan Substantial Amendment is not subject to the California Environmental Quality Act ("CEQA") as the activity is not a project defined in Section 15378(b)(5) of the state CEQA Guidelines;
3. Approve and adopt the amended City of Aliso Viejo Citizen Participation Plan;
4. Approve and adopt the FY 2019-2020 Annual Action Plan Substantial Amendment for the use of Community Development Block Grant-Coronavirus ("CDBG-CV") funds;
- 5 Authorize the City Manager to submit the FY 2019-2020 Annual Action Plan Substantial Amendment to the U S Department of Housing and Urban Development ("HUD") and to execute the HUD contract and authorize the City Manager to submit all related documents with the implementation of the Action Plan Substantial Amendment.

Motion: Councilmember Harrington moved and Councilmember Phillips seconded to approve the recommended actions. Motion carried unanimously

6. DISCUSSION:

6 1 CITY COUNCIL TERM LIMITS (ACKLEY)

Mayor Pro Tem Ackley provided an overview. Council discussion ensued. City Manager David Doyle and City Attorney Scott Smith provided additional information. Staff responded to questions regarding election process and timeline

Recommended Action: Direct staff to draft and place on the November 2, 2020 ballot an initiative amending Aliso Viejo Municipal Code to provide for term limits for city council members pursuant to Government Code §36502(b). The suggested term limit is two consecutive 4 year terms, and will apply prospectively only.

Motion: Mayor Pro Tem Ackley moved and Councilmember Phillips seconded to direct staff to draft and place on the November 2022 ballot an initiative amending Aliso Viejo Municipal Code to provide for term limits for City Council Members pursuant to Government Code §36502(b), with term limits of two consecutive 4-year terms to apply prospectively only.

Substitute Motion: Councilmember Chun moved and Mayor Pro Tem Ackley seconded to direct staff to draft and place on the November 2022 ballot, with staff work beginning in 2021, an initiative amending Aliso Viejo Municipal Code to provide for term limits for City Council Members pursuant to Government Code §36502(b), with term limits of two consecutive 4-year terms to apply prospectively only. Motion carried 3-2, with Councilmember Harrington and Mayor Munzing dissenting.

6.4. ALISO VIEJO CITY COUNCIL'S PUBLIC STATEMENT ON NON-VIOLENT PROTESTS AND INCLUSIVE POLICIES (CHUN)

Councilmember Chun provided an overview. Council discussion ensued. City Manager David Doyle provided additional information Mayor Munzing opened for public comment. City Clerk Mitzi Ortiz entered the following pre-recorded electronic communication into the record:

1. Trina Mangione expressed support for the matter.
2. David Bendall expressed support for the matter
3. Stephanie Hammerwold expressed support for the matter and related initiatives.

There were no other public comments.

Recommended Action: Discuss a cohesive statement of consensus on this council's support of non-violent protests and a framework of policies that encourages inclusion.

Motion: Councilmember Harrington moved and Mayor Munzing seconded to appoint Councilmember Chun and Councilmember Harrington to an ad-hoc subcommittee to draft a cohesive statement of consensus on the Council's support of non-violent protests and a framework of policies that encourages inclusion. Motion carried unanimously.

6.2. A RESOLUTION OF THE CITY COUNCIL CONDEMNING THE MURDER OF GEORGE FLOYD IN MINNEAPOLIS, MINNESOTA, AND SUPPORTING THE RIGHTS OF PEACEFUL PROTESTORS (ACKLEY)

Council discussion ensued. Mayor Munzing opened for public comment. City Clerk Mitzi Ortiz noted the following electronic communication entered into the record for Item 6.4 also referred to this item:

- 1 David Bendall expressed support for the matter.

There were no other public comments. Mayor Pro Tem Ackley withdrew the matter from consideration. No further action was taken

6.5 EXTENSION OF EXECUTIVE ORDER NO 1 REQUIRING FACE COVERINGS AND COMPLIANCE WITH SOCIAL DISTANCING FOR ESSENTIAL BUSINESSES

Councilmember Chun provided an overview. Council discussion ensued. City Manager David Doyle and City Attorney Scott Smith provided additional information. Staff responded to questions regarding enforcement.

Recommended Action: Extend Executive Order No. 1 requiring face coverings and compliance with social distancing and infection control guidelines for essential businesses.

Motion: Councilmember Chun moved and Councilmember Harrington seconded to direct the City Manager, acting as the Director of Emergency Services, to extend for 90 days Executive Order No. 1 requiring face coverings and compliance with social distancing and infection control guidelines for businesses and patrons, with the amendment to include all businesses whose employees are in contact with members of the public and strongly encouraging patrons to wear face coverings. Motion carried unanimously.

6.3. DISCUSSION RE: VIOLATION OF MUNICIPAL CODE 1.04 (HARRINGTON)

Councilmember Harrington provided an overview. Council discussion ensued. City Manager David Doyle and City Attorney Scott Smith provided additional information. Staff responded to questions regarding prior instances, use of letterhead, and enforcement. Mayor Munzing opened for public comment. City Clerk Mitzi Ortiz entered the following pre-recorded electronic communication into the record:

1. Trina Mangione expressed support for Mayor Pro Tem Ackley.
2. Dana Velarde expressed support for Mayor Pro Tem Ackley.
3. Eileen Powell expressed support for Mayor Pro Tem Ackley.
4. Eric Traut expressed support for Mayor Pro Tem Ackley.
5. Kathryn Lawrence expressed support for Mayor Pro Tem Ackley.
6. Susanna Theroux expressed support for Mayor Pro Tem Ackley.
7. Kimberly Goering expressed support for Mayor Pro Tem Ackley.
8. Michael Sall expressed support for Mayor Pro Tem Ackley and urged Council to clarify related procedures.
9. Vanessa Burrows expressed support for Mayor Pro Tem Ackley.
10. David Bendall expressed support for Mayor Pro Tem Ackley.
11. Michelle Antennesse expressed support for Mayor Pro Tem Ackley and urged Council to clarify Municipal Code Chapter 1.04.
12. Brandy Ferner expressed support for Mayor Pro Tem Ackley.
13. Stephanie Hammerwold expressed support for Mayor Pro Tem Ackley and urged Council to clarify Municipal Code Chapter 1.04.

Recommended Action: Determine whether or not the Aliso Viejo Municipal Code 1.04 as it relates to the use of the City's letterhead for personal political purposes was violated.

Motion: Councilmember Harrington moved and Mayor Munzing seconded to censure Mayor Pro Tem Ackley for violation of Municipal Code Chapter 1.04. Motion withdrawn.

Motion: Councilmember Chun moved to review and amend Municipal Code Chapter 1.04.

Substitute Motion: Councilmember Harrington moved and Councilmember Chun seconded to amend Municipal Code Chapter 1.04 to prohibit the use of letterhead by individual members of the City Council without City Council approval. Motion carried unanimously.

7. CITY MANAGER' S REPORT:

City Manager David Doyle announced Small Business Grant Relief Program available in Orange County Supervisorial District 5; and Drive-In Movie Event to be held at 8.30 p.m. on June 25, 2020 at Soka University.

8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

Councilmember Harrington: None

Councilmember Chun:

- Commented on the importance of wildfire awareness
- Commented on availability of deferred billing by utility companies related to COVID-19
- Expressed appreciation for the City's support of 2020 graduates

Councilmember Phillips:

- Expressed appreciation to staff for economic development efforts

Mayor Pro Tem Ackley

- Commented on peaceful protests that occurred in Aliso Viejo
- Expressed appreciation to Also Viejo Police Services and Orange County Sheriff's Department

Mayor Munzing:

- Commented on the reopening of businesses

9. ADJOURNMENT: Mayor Munzing adjourned the meeting at 11:14 p.m. to the regularly scheduled meeting of July 1, 2020.

Respectfully submitted.


MITZI ORTIZ, MMC
CITY CLERK

Approved by:


MIKE MUNZING
MAYOR