

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
NOVEMBER 16, 2022, 7:00 P.M.  
Council Chambers, City Hall, 12 Journey  
Aliso Viejo, California

***City Council conducted this meeting in accordance with California Government Code Section 54953(e)(2) and COVID-19 pandemic protocols.***

**CALL TO ORDER:** Mayor Chun called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:05 p.m.

**ROLL CALL:**

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

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER  
SCOTT C. SMITH, CITY ATTORNEY  
CHARLENE CHENG, DEPUTY CITY CLERK / MANAGEMENT ANALYST  
ANN EIFERT, FINANCIAL SERVICES DIRECTOR  
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR  
SO KIM, COMMUNITY DEVELOPMENT DIRECTOR  
ROSE RIVERA, SENIOR PLANNER  
LIZZY MENDOZA, RECREATION & COMMUNITY SERVICES MANAGER  
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER  
CAPT. SCOTT MERRILL, CHIEF OF POLICE SERVICES

**PLEDGE OF ALLEGIANCE:** Councilmember Ackley led the pledge of allegiance.

**1. SPECIAL PRESENTATIONS:**

1.1. **RECOGNITION OF SUPERNOVA AWARD RECIPIENTS - BOY SCOUTS OF AMERICA  
EL CAMINO REAL DISTRICT**

Mayor Chun presented certificates of recognition to Alexandra Nottage and Christian Guerrero. El Camino Real District STEM Coordinator Gary Ibañez provided program information and expressed his appreciation.

1.2. TRUSTED PARTNER - ALISO VIEJO COMMUNITY ASSOCIATION

Mayor Chun presented the certificate of recognition to AVCA President Lisa Naegele. Ms. Naegele expressed her appreciation.

2. ADDITIONS, DELETIONS, REORDERING TO THE AGENDA:

Mayor Chun obtained consensus to add a Proclamation recognizing Small Business Saturday on November 26, 2022.

3. COMMUNITY INPUT:

1. Michele Saward requested information regarding the implementation of SB 987.

4. CONSENT CALENDAR:

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

**Motion:** Councilmember Ackley moved and Mayor Pro Tem Hurt seconded to approve the recommended actions. Motion carried 5-0.

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. RESOLUTION EXTENSION AUTHORIZING VIRTUAL CITY COUNCIL MEETINGS PURSUANT TO ASSEMBLY BILL 361

**Recommended Action:** Move to reconfirm findings under Assembly Bill 361 and extend Resolution No. 2021-27 to continue virtual City Council meetings.

4.3. APPROVAL OF MINUTES

**Recommended Action:** Approve the Minutes as submitted for the November 2, 2022 Special Meeting and the November 2, 2022 Regular Meeting.

4.4. TREASURER'S STATEMENT – SEPTEMBER 2022

**Recommended Action:** Approve September 2022 Treasurer's Statement.

4.5. THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH CIVIC SOLUTIONS, INC. TO PROVIDE PLANNING CONSULTING SERVICES

**Recommended Action:** Approve and authorize the City Manager to execute a Third Amendment to the Professional Services Agreement with Civic Solutions, Inc. for planning consulting services to increase the total compensation by an amount not to exceed \$50,000 and extend the term to June 30, 2022.

4.6. RESOLUTION AUTHORIZING THE CITY ENGINEER TO EXECUTE ALL RIGHT-OF-WAY CERTIFICATIONS AND OTHER DOCUMENTS FOR ALL STATE AND/OR FEDERALLY FUNDED PROJECTS

**Recommended Action:** Adopt Resolution No. 2022-29 authorizing the City Engineer to execute all right-of-way certifications and other documents for all state and/or federally funded projects and to sign all state and/or federal funding documents associated with grant funding allocations between the City of Aliso Viejo and the State of California.

5. PUBLIC HEARINGS:

5.1. REQUEST TO APPROVE AN AMENDMENT TO SPECIFIC PLAN NO. 2 AND A DEVELOPMENT AGREEMENT TO ALLOW FOR THE SALES AND SERVICE OF NON-INTERNAL COMBUSTION ENGINE VEHICLES (SP-2022-0001 AND DA-2022-00001), A CONDITIONAL USE PERMIT TO ALLOW TESLA MOTORS, INC. TO OPERATE AT 26501 ALISO CREEK ROAD (USE-2022-00009), AND DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA UNDER CLASS 32

City Manager David Doyle introduced Senior Planner Rose Rivera, who provided an overview. ValueRock Realty Senior Managing Director Dennis Vaccaro, Troy Thomas, and Tesla Infrastructure Development Design Manager Dhwani Dave provided additional information. Staff and applicant responded to questions regarding anticipated sales tax revenue, sales process, hours of operation, vehicle storage, and square footage. Councilmember commented on the matter. Mayor Chun opened the public hearing and the following person provided comment:

1. Michele Saward requested information regarding parking.

There were no other comments. Mayor Chun closed the public hearing.

**Recommended Action:**

1. Open and conduct a public hearing;
2. Find that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15332 (Infill Development);
3. Introduce and approve for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, TO AMEND SPECIFIC PLAN NO. 2 FOR THE COMMONS AT ALISO VIEJO TOWN CENTER AND

DETERMINE THE PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA UNDER CLASS 32 (PLANNING APPLICATION SP-2022-00001);

4. Introduce and approve for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ALISO VIEJO AND VALUEROCK ALISO VIEJO, LLC FOR SPECIFIC PLAN NO. 2 (THE COMMONS AT ALISO VIEJO TOWN CENTER) PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ. AND DETERMINE THE PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA UNDER CLASS 32 (PLANNING APPLICATION DA-2022-00001); and
5. Adopt a Resolution No. 2022-230 approving a Conditional Use Permit for Tesla Motors, Inc. to sell, lease, and service its vehicles at 26501 Aliso Creek Road and determine the project to be categorically exempt from the California Environmental Quality Act under Class 32 (PLANNING APPLICATION USE-2022-00009).

**Motion:** Councilmember Munzing moved and Councilmember Harrington seconded to approve the recommended actions. Motion carried 5-0.

## 5.2. SECOND READING AND ADOPTION OF AN ORDINANCE TO ADOPT UPDATED 2022 BUILDING CODES

City Manager David Doyle provided an overview. Mayor Chun opened the public hearing. There were no comments. Mayor Chun closed the public hearing.

### **Recommended Action:**

1. Find that the Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15378(a) and 15061(b)(3) as the activity does not qualify as a project and is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment.
2. Conduct a public hearing to consider and adopt Ordinance No. 2022-233 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING CHAPTERS 13.02 & 13.04 OF TITLE 13 OF THE ALISO VIEJO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE FOLLOWING MODEL CODES INTO THE ALISO VIEJO MUNICIPAL CODE: (1) CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, 2022 EDITION; WITH AMENDMENTS; (2) CALIFORNIA ELECTRICAL CODE, 2022 EDITION; (3) CALIFORNIA PLUMBING CODE, 2022 EDITION; (4) CALIFORNIA MECHANICAL CODE, 2022 EDITION; (5) INTERNATIONAL PROPERTY MAINTENANCE CODE; 2021 EDITION (6) CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION; (7) CALIFORNIA ENERGY CODE, 2022 EDITION; (8) CALIFORNIA REFERENCED STANDARDS CODE, 2022 EDITION; (9) CALIFORNIA EXISTING BUILDING CODE, 2022 EDITION (10) CALIFORNIA RESIDENTIAL CODE, 2022 EDITION; WITH AMENDMENTS; (11) CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION; AND (12) CALIFORNIA FIRE CODE, 2022 EDITION, WITH AMENDMENTS.

**Motion:** Councilmember Ackley moved and Mayor Pro Tem Hurt seconded to approve the recommended actions. Motion carried 5-0.

5.3. APPLICATION FOR THE PERMANENT LOCAL HOUSING ALLOCATION (PLHA) FUNDING FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR ELIGIBLE HOUSING-RELATED PROJECTS AND PROGRAMS

City Manager David Doyle introduced Community Development Director So Kim, who provided an overview. Staff responded to questions regarding application process and funding allocation. Councilmember commented on the matter. Mayor Chun opened the public hearing. There were no comments. Mayor Chun closed the public hearing.

**Recommended Action:** Conduct a public hearing and adopt Resolution No. 2022-31 authorizing the application submittal for the Permanent Local Housing Allocation (PLHA) funding from the California Department of Housing and Community Development for housing-related eligible activities.

**Motion:** Mayor Pro Tem Hurt moved and Councilmember Ackley seconded to approve the recommended actions. Motion carried 5-0.

6. DISCUSSION:

6.1. SECOND AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

City Attorney Scott Smith provided an overview. Councilmembers commented on the matter.

**Recommended Action:** Approve the Second Amendment to Employment Agreement between the City of Aliso Viejo and David A. Doyle.

**Motion:** Councilmember Harrington moved and Councilmember Munzing seconded to approve the recommended actions. Motion carried 5-0.

7. CITY MANAGER' S REPORT:

City Manager David Doyle expressed his appreciation to the City Council; extended birthday wishes to City Attorney Scott Smith; announced All is Bright Holiday Celebration and Tree Lighting Ceremony from 5:00 p.m. to 8:00 p.m. on December 1, 2022 at Aliso Viejo Town Center; and donation opportunities for Boys & Girls Clubs of Capistrano Valley Operation Holiday Homework event.

8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

Councilmember Ackley: None.

Councilmember Harrington: None.

Councilmember Munzing: None.

Mayor Pro Tem Hurt:

- Announced OC Public Libraries Literacy Festival

Mayor Chun:


- Attended Don Juan Avila Elementary School Veterans Day Event
- Announced Aliso Viejo Chamber of Commerce Celtic Christmas VIP Event
- Encouraged residents to visit local businesses

9. **ADJOURNMENT:** Mayor Chun adjourned the meeting at 8:06 p.m. to the regularly scheduled meeting of December 7, 2022.

Respectfully submitted:

Approved by:

  
MITZI ORTIZ, MMC  
CITY CLERK

  
ROSS CHUN  
MAYOR