

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
April 15, 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  
                                  ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER  
                                  LT. CHAD KAJFASZ, CHIEF OF POLICE SERVICES  
                                  SARAH LIMONES, SENIOR EMERGENCY MANAGEMENT PROGRAM  
                                  COORDINATOR

**PLEDGE OF ALLEGIANCE:** City Attorney Scott Smith led the pledge of allegiance.

**1. SPECIAL PRESENTATIONS:**

City Manager David Doyle introduced a business promotion video.

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

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

3. **COMMUNITY INPUT:**

None.

4. **CONSENT CALENDAR:**

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

**Motion:** Councilmember Chun moved and Councilmember Harrington 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 – MARCH 18, 2020 SPECIAL MEETING AND MARCH 18, 2020 REGULAR MEETING**

**Recommended Action:** Approve the subject Minutes as submitted.

4.3. **ACCOUNTS PAYABLE**

Public Works Director Shaun Pelletier responded to questions regarding pavement management plan update.

**Recommended Action:**

1. Ratify accounts payable checks and electronic funds transfers issued March 05, 2020 in the amount of \$309,823.39;
2. Ratify accounts payable checks and electronic funds transfers issued March 12, 2020 in the amount of \$991,211.22,
3. Ratify accounts payable checks and electronic funds transfers issued March 19, 2020 in the amount of \$114,244.59; and
4. Ratify accounts payable checks and electronic funds transfers issued March 26, 2020 in the amount of \$1,802,176.85.

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

4.4. **TREASURER'S STATEMENT – FEBRUARY 2020**

**Recommended Action:** Approve February 2020 Treasurer's Statement.

4.5. SECOND AMENDMENT TO THE AGREEMENT FOR TRAFFIC ENGINEERING SERVICES FOR TRAFFIC SIGNAL OPERATIONS

**Recommended Action:**

1. Approve a Second Amendment to the Agreement with Hartzog & Crabill, Inc. (HCI) to perform traffic engineering services of traffic signal operations citywide that extends the term one year and increases the agreement amount by \$25,000 for a total authorization of \$125,000 since 2016; and
2. Authorize the City Manager to execute the Second Amendment to the Agreement

4.6. SECOND AMENDMENT TO THE AGREEMENT FOR LANDSCAPE ARCHITECTURE AND INSPECTION SERVICES

**Recommended Action:**

1. Approve a Second Amendment to the Agreement with Richard Fisher Associates to perform landscape architecture and inspection services that increases the agreement amount by \$60,000 for a total authorization of \$395,000 since 2017; and
2. Authorize the City Manager to execute the Second Amendment to the Agreement.

4.7. THIRD AMENDMENT TO THE AGREEMENT FOR ON CALL GEOTECHNICAL AND MATERIALS TESTING SERVICES

**Recommended Action:**

1. Approve a Third Amendment to the Agreement with GMU Geotechnical, Inc. to perform On Call Geotechnical and Materials Testing Services that extends the term one year and increases the agreement amount by \$100,000 for a total authorization of \$407,500 since 2016; and
2. Authorize the City Manager to execute the Third Amendment to the Agreement.

4.8. LETTERS TO OC BOARD OF SUPERVISORS AND STATE OF CALIFORNIA

**Recommended Action:** Ratify authorization for Mayor to sign funding advocacy letters on behalf of the City seeking financial support from Federal, State, and County agencies for impacts from COVID-19 pandemic.

4.9. COVID-19 CITY HALL TENANT RENT DEFERRAL PROGRAM

**Recommended Action:** Approve program to allow City Hall tenants to defer office space rent from April 1 to July 1, 2020.

5. PUBLIC HEARINGS:

5.1. REQUEST FOR CONTINUANCE - 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

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

**Recommended Action:** Open the public hearing and continue consideration of first reading of the ordinance to May 20, 2020.

**Motion:** Councilmember Chun moved and Councilmember Phillips seconded to approve the recommended action. Motion carried unanimously.

5.2. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING ALISO VIEJO MUNICIPAL CODE SECTION 15.74.100, SUBSECTION (B), RELATING TO THE ESTABLISHMENT OF DISCRETIONARY PERMITS, AND SUBSECTION (D), RELATING TO THE EXTENSION OF EXPIRING DISCRETIONARY PERMITS

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING ALISO VIEJO MUNICIPAL CODE SECTION 15.74.100, SUBSECTION (B), RELATING TO THE ESTABLISHMENT OF DISCRETIONARY PERMITS, AND SUBSECTION (D), RELATING TO THE EXTENSION OF EXPIRING DISCRETIONARY PERMITS

COUNCIL POLICY REQUIRING ANNUAL INVENTORY AND REPORT OF EXPIRING DISCRETIONARY PERMITS

City Manager David Doyle introduced City Attorney Scott Smith, who provided an overview. Community Development Director Omar Dadabhoj provided additional information. Staff responded to questions regarding existing permits, vesting of projects and City Council authority. Mayor Munzing opened the public hearing. City Clerk Mitzi Ortiz read the following electronic communication into the record:

1. Steven LaMotte, Building Industry Association of Southern California, expressed concerns with the proposed ordinances.

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

**Recommended Action:**

1. Introduce and approve for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING ALISO VIEJO MUNICIPAL CODE SECTION 15.74.100, SUBSECTION (B), RELATING TO THE ESTABLISHMENT OF DISCRETIONARY PERMITS, AND SUBSECTION (D), RELATING TO THE EXTENSION OF EXPIRING DISCRETIONARY PERMITS;
2. Adopt the Urgency Ordinance No. 2020-213 entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING ALISO VIEJO MUNICIPAL CODE SECTION 15.74.100, SUBSECTION (B), RELATING TO THE ESTABLISHMENT OF DISCRETIONARY PERMITS, AND

SUBSECTION (D), RELATING TO THE EXTENSION OF EXPIRING DISCRETIONARY PERMITS; and

3. Adopt Council Policy 600-4 requiring annual inventory and report of expiring discretionary permits.

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

## 6. DISCUSSION:

### 6.1. DRAFT ANNUAL BUDGET FOR FY 2020-21

City Manager David Doyle introduced Finance Director Gina Tharani, who provided an overview. Staff responded to questions regarding investments, revenue projections, capital improvement projects, law enforcement services, crime prevention position and Aliso Viejo Ranch project construction. City Council provided direction regarding reallocating grant funds to economic development and analysis of halting Aliso Viejo Ranch construction. No further action was taken.

### 6.3. CITYWIDE REQUIREMENT THAT ESSENTIAL SERVICE PROVIDERS SUCH AS FOOD SERVERS, PREPARERS, DELIVERY PERSONS AND PHARMACISTS, WEAR FACE COVERINGS DURING THE EXECUTION OF THEIR JOBS AND INTERACTION WITH THE PUBLIC

Councilmember Chun provided an overview. City Attorney Scott Smith and City Manager David Doyle responded to questions regarding enactment, enforcement and ratification. Councilmembers commented on the matter.

**Recommended Action:** Direct City Manager to issue an Executive Order requiring essential service workers and strongly encouraging patrons of essential businesses to wear face coverings while in essential business locations.

**Motion:** Councilmember Harrington moved and Councilmember Chun seconded to approve the recommended actions. Motion carried 4-1 with Mayor Pro Tem Ackley dissenting

### 6.2. ADOPTION OF URGENCY ORDINANCE NO. 20-XX IMPOSING A TEMPORARY MORATORIUM ON THE EVICTION OF COMMERCIAL TENANTS UNABLE TO PAY RENT BECAUSE OF COVID-19, DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

Mayor Pro Tem Ackley provided an overview. City Attorney Scott Smith and City Manager David Doyle responded to questions regarding City's authority, liability, state actions, enactment, enforcement, and economic recovery efforts. Mayor Munzing opened for public comment. City Clerk Mitzi Ortiz read electronic communications into the record. Communications were received in opposition to the matter from: 1. Robert Montgomery,

Bue Stoddard Group, 2 Commercial property owner. Communications were received in support of the matter from: 3. Kathy Lawrence; 4. Michelle Antenesse; 5. Richard Hurt; 6. Myra Moran, 7. Megan Holland, 8. Connie McKenney; 9. Tricia Eschle; 10. Colleen Kelly; 11 Isuri Ramos, The Kennedy Commission; 12 David Bondurant, Prodo Laboratories; 13. Tracey Ball, 14 Trina Mangione; 15 David Bendall. Councilmember commented on the matter.

**Recommended Action:** Mayor Pro Tem Ackley recommends the City Council:

1. Introduce and adopt Urgency Ordinance No 20-XX that would take effect immediately, to establish a temporary moratorium on the eviction of commercial tenants who are unable to pay rent due to the impacts of the novel coronavirus disease (COVID-19).

**Motion:** Mayor Pro Tem Ackley moved the recommended action. Motion failed due to lack of a second

#### 6.4 RESOLUTION REGARDING EVICTION MORATORIUM

This item was withdrawn by Councilmember Harrington.

#### 7. CITY MANAGER' S REPORT:

City Manager David Doyle encouraged residents to support local businesses.

#### 8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

Councilmember Chun:

- Expressed appreciation to City staff and state legislators

Councilmember Phillips:

- Expressed appreciation to City staff and residents
- Requested additional efforts to support local businesses
- Encouraged residents to donate blood

Councilmember Harrington:

- Requested concurrence for City offer to host large-scale COVID-19 testing site

Mayor Pro Tem Ackley:

- Expressed appreciation to first responders, City staff, residents and Council colleagues

Mayor Munzing:

- Expressed appreciation to staff,

9. **ADJOURNMENT:** Mayor Munzing adjourned the meeting at 10:06 p.m. to the regularly scheduled meeting of May 6, 2020.

Respectfully submitted

  
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MITZI ORTIZ, MMC  
CITY CLERK

Approved by:

  
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MIKE MUNZING  
MAYOR