

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
June 2, 2021, 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 Ackley called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:00 p.m.

ROLL CALL:

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

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER
SCOTT C. SMITH, CITY ATTORNEY
HONGDAO NGUYEN, ASSISTANT CITY ATTORNEY
MITZI ORTIZ, CITY CLERK
SEA SHELTON, INTERIM FINANCIAL SERVICES DIRECTOR /
HUMAN RESOURCES MANAGER
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR
OMAR DADABHOY, COMMUNITY DEVELOPMENT DIRECTOR
STEPHANIE PHILLIPS, RECREATION & COMMUNITY SERVICES
DIRECTOR
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER
CAPT. CHAD KAJFASZ, CHIEF OF POLICE SERVICES

PLEDGE OF ALLEGIANCE: Mayor Ackley led the pledge of allegiance.

REPORT FROM CLOSED SESSION:

City Attorney Scott Smith stated direction was provided to staff.

1. SPECIAL PRESENTATIONS:

None.

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

Councilmember Munzing removed Discussion Item 6.2 from consideration.

3. **COMMUNITY INPUT:**

None.

4. **CONSENT CALENDAR:**

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

Motion: Councilmember Munzing moved and Mayor Pro Tem Chun 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. **APPROVAL OF MINUTES**

Recommended Action: Approve the Minutes as submitted for the May 5, 2021 Regular Meeting, May 19, 2021 Special Meeting and May 19, 2021 Regular Meeting.

4.3. **ACCOUNTS PAYABLE**

Recommended Action:

1. Ratify accounts payable checks and electronic funds transfers issued May 06, 2021 in the amount of \$1,003,075.10; and
2. Ratify accounts payable checks and electronic funds transfers issued May 13, 2021 in the amount of \$199,323.63.

4.4. **AGREEMENTS FOR FY 2021-22 LAW ENFORCEMENT SERVICES AND CROSSING GUARD SERVICES**

Recommended Action:

1. Authorize the City Manager to execute the agreement with the County of Orange for FY 2021-22 law enforcement services; and
2. Authorize the City Manager to execute the agreement with All City Management Services, Inc. for school crossing guard services.

4.5. **THIRD AMENDMENT TO AGREEMENT WITH BEST BEST & KRIEGER FOR CITY ATTORNEY SERVICES**

Recommended Action:

1. Approve the Third Amendment to Agreement with Best Best & Krieger for City Attorney services; and
2. Authorize the City Manager to execute the Third Amendment to Agreement with Best Best & Krieger.

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

4.6. WINTER VISUALS AGREEMENT AMENDMENT

Recommended Action:

1. Approve a First Amendment to the Agreement with Winter Visuals to perform video production services that extends the existing agreement for one additional year; and
2. Authorize the City Manager to execute the First Amendment to the Agreement.

4.7. AMENDMENT TO AGREEMENT FOR ENGINEERING, PUBLIC WORKS, BUILDING & SAFETY AND CODE ENFORCEMENT SERVICES FOR CHARLES ABBOTT ASSOCIATES

Recommended Action:

1. Approve a Third Amendment to the Agreement with Charles Abbott Associates, Inc. (CAA) to perform engineering, public works, building & safety and code enforcement services that extends the term two (2) years and increases the agreement amount by \$2,700,000; and
2. Authorize the City Manager to execute the Third Amendment to the Agreement.

4.8. THIRD AMENDMENT TO THE AGREEMENT FOR LANDSCAPE ARCHITECTURE AND INSPECTION SERVICES

Recommended Action:

1. Approve a Third 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 \$455,000 since 2017; and
2. Authorize the City Manager to execute the Third Amendment to the Agreement.

4.9. SECOND AMENDMENT TO AGREEMENT FOR CONSTRUCTION INSPECTION SERVICES FOR CIVLSOURCE, INC.

Recommended Action:

1. Approve a Second Amendment to the Agreement with CivilSource, Inc. to perform construction inspection services of capital improvement projects citywide that extends the term one year and increases the agreement amount by \$100,000 for a total authorization of \$250,000 since 2017; and
2. Authorize the City Manager to execute the Second Amendment to the Agreement.

4.10. AGREEMENT WITH GMU GEOTECHNICAL, INC. FOR ON-CALL GEOTECHNICAL AND MATERIAL TESTING SERVICES

Recommended Action:

1. Approve a 3-year agreement with GMU Geotechnical, Inc. (GMU) to perform geotechnical and materials testing services; and
2. Authorize the City Manager to execute a professional services agreement with GMU for an amount not to exceed \$200,000.

4.11. AGREEMENT WITH HARTZOG & CRABILL, INC. FOR TRAFFIC ENGINEERING SERVICES FOR TRAFFIC SIGNAL OPERATIONS

Recommended Action:

1. Approve a 3-year agreement with Hartzog & Crabill, Inc. (HCI) to perform traffic engineering services of traffic signal operations citywide; and
2. Authorize the City Manager to execute a professional services agreement with HCI for an amount not to exceed \$75,000.

4.12. AWARD CONTRACT TO ALL AMERICAN ASPHALT FOR THE FY21-22 SLURRY SEAL & REHABILITATION PROJECT

Recommended Action:

1. Approve Contract Documents, Specifications, and Plans for the FY21-22 Slurry Seal & Rehabilitation Project;
2. Award a contract in the amount of \$511,563 to All American Asphalt as the lowest responsible bidder for the FY21-22 Slurry Seal & Rehabilitation Project;
3. Authorize the City Manager to execute a contract with All American Asphalt;
4. Authorize City staff to make total compensation to All American Asphalt, Inc. up to \$511,563 plus \$51,156.30 (10% of the contract amount) to allow for contingencies, totaling \$562,719.30; and
5. Declare this project categorically exempt from the California Environmental Quality Act (CEQA) process Per Title 14 of the California Code of Regulations, Chapter 3, Article 19, Section 15301 (Class 1: Existing Facilities).

4.13. FISCAL YEAR 2021-22 PROJECT LIST FOR ROAD MAINTENANCE AND REHABILITATION ACCOUNT FUNDING (SB 1)

Recommended Action: Adopt Resolution No. 2021-15 of the City Council of the City of Aliso Viejo which adopts a list of projects for fiscal year 2021-22 funded by SB 1: The Road Repair and Accountability Act of 2017.

4.14. RENEWED MEASURE M ELIGIBILITY

Recommended Action:

1. Adopt a 7-Year Capital Improvements Program (CIP) for Street Projects; and
2. Adopt Resolution No. 2021-16 concerning the status of the Circulation Element and Mitigation Fee Program.

4.15. 35 PLAYA CIRCLE / DECLARATION OF RESTRICTIVE COVENANTS

Recommended Action:

1. Consider a draft “Declaration of Restrictive Covenants” related to the property located at 35 Playa Circle in Aliso Viejo and consider withdrawing the Affordable Housing Resale Restriction, recorded on June 12, 2009, from the same property;
2. Find that the withdrawal of the Resale Restriction recorded against 35 Playa Circle in Aliso Viejo and the approval of the Declaration of Restricted Covenants are not subject to the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15378; and
3. Approve the withdrawal of the recorded Affordable Housing Resale Restriction from 35 Playa Circle in Aliso Viejo and approve the Declaration of Restrictive Covenants to be recorded against the Property and direct the City Manager or his designee to take all actions to implement the action.

5. PUBLIC HEARINGS:

None.

6. DISCUSSION:

6.1. PROPOSED ANNUAL BUDGET FOR FY 2021-22

City Manager David Doyle introduced Interim Financial Services Director Sea Shelton, who provided an overview. Mayor Ackley opened for public comment and there were no speakers. Staff responded to questions regarding inclusion of COVID-19 stimulus funds. Councilmembers commented on the matter.

Recommended Action:

1. Adopt Resolution No. 2021-17 adopting the Annual Budget for FY 2021-22;
2. Adopt Resolution No. 2021-18 approving updated Salary Schedules, including cost-of-living adjustments and the addition of a new position; and
3. Adopt Resolution No. 2021-19 setting the Proposition 4 (Gann) Appropriations Limit for Fiscal Year 2021-22 for the City of Aliso Viejo at \$48,200,927, utilizing 28.76% of this limit in FY 2021-22.

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

6.2. RESOLUTION CONDEMNING TERRORIST ATTACKS ON ISRAEL AND AFFIRMING SUPPORT FOR COMBATTING ANTI-SEMITISM (MUNZING)

This item was removed from consideration.

6.3. DISCUSSION RE: RE-ORDER OF COUNCIL POSITIONS (HARRINGTON)

Mayor Ackley commented on the matter. Councilmember Harrington provided an overview. Mayor Ackley opened for public comment. City Clerk Mitzi Ortiz entered the

following communication into the record:

1. Resident expressed concern with Mayor Ackley's actions.
2. Austin Edsell expressed concern with Mayor Ackley's actions.
3. Ryan Dobis expressed concern with Mayor Ackley's actions.
4. Kristen Valle concern with Mayor Ackley's actions.
5. Robert Petrosyan concern with Mayor Ackley's actions.
6. Stacey Santley concern with Mayor Ackley's actions.
7. Michele Williams Harrington concern with Mayor Ackley's actions.
8. Ted Fuentes expressed support for the matter.
9. Jodie Quinones expressed opposition to the matter.
10. Christine Kim expressed opposition to the matter.
11. Tara expressed support for the matter.
12. Fraser expressed concern with Councilmember Harrington's actions.
13. Donata expressed concern with councilmember Harrington's actions.
14. Joan Garnett expressed concern with Mayor Ackley's actions.
15. Linda Perry expressed support for the matter.
16. Jacky Ito Smith expressed support for Mayor Ackley.
17. Resident expressed support for Mayor Ackley.
18. Elizabeth Brown expressed concern with Councilmember Harrington's and Mayor Ackley's actions.
19. Ian B. expressed opposition to the matter.
20. Cristian and Fivi Prunean expressed support for the matter.
21. Jonathan Wolf expressed support for the matter.
22. Michael Sall expressed opposition to the matter.
23. Chuong Vu expressed support for Mayor Ackley.
24. Sunny Lee expressed concern with Mayor Ackley's actions.
25. Doug Harding expressed opposition to the matter.
26. Angel Acosta expressed opposition to the matter.
27. Robert Robinson expressed support for Mayor Ackley.
28. Danna Lewis expressed opposition to the matter.
29. George Gatus expressed opposition to the matter.
30. Libby Frolichman expressed opposition to the matter.
31. Michelle Antenese expressed opposition to the matter.
32. Resident expressed opposition to the matter.
33. Aimee Monahan expressed opposition to the matter.
34. Karissa Willette expressed concern with Mayor Ackley's actions.
35. Justin Massey expressed opposition to the matter.
36. Kathryn Lawrence expressed opposition to the matter.
37. Lauren Kutz expressed concern with Councilmember Harrington's actions.
38. Yeni De los Angeles expressed opposition to the matter.
39. Adam Johnson expressed opposition to the matter.
40. Cindy Conner expressed opposition to the matter.
41. Priscilla Huang expressed opposition to the matter.
42. Roxanne Metz expressed concern with Councilmember Harrington's actions.
43. Resident expressed concern with Councilmember Harrington's actions.
44. Anita Narayana expressed opposition to the matter.

45. Diane Davani commented on Facebook poll in support of the matter.
46. Rod Gomez expressed support for the matter.
47. Lisa Runyon expressed support for the matter.
48. Claire Winograd expressed opposition to the matter.

Staff responded to questions regarding violations of the Aliso Viejo Municipal Code, use of public spaces, libel, public records requests, Aliso Viejo Ranch tours, prohibited uses of the Aliso Viejo Ranch, prohibited uses of City indicia, reporting to interested parties, investigation, and City Manager employment agreement terms. City Council discussion ensued. Councilmembers commented on the matter.

Recommended Action: Re-order the leadership of the City Council as it applies to Mayor and Mayor Pro-Tem.

Motion: Councilmember Harrington moved and Councilmember Munzing seconded to re-order the leadership of the City Council appointing Mayor Pro Tem Chun as Mayor and Councilmember Hurt as Mayor Pro Tem. Motion failed 2-3, with Councilmember Hurt, Mayor Pro Tem Chun, and Mayor Ackley dissenting.

No further action was taken.

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

None.

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

Councilmember Hurt: None.

Councilmember Harrington: None.

Councilmember Munzing:

- Requested City Attorney overview regarding City's display of flags

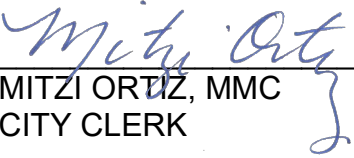
Mayor Pro Tem Chun:

- Attended drowning prevention event at Aquatic Center
- Congratulated Aliso Niguel High School graduating class
- Congratulated Aliso Niguel High School Boys Soccer Team on CIF Regional Championship

Mayor Ackley: None.

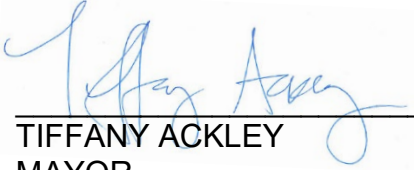
9. **ADJOURNMENT:** Mayor Ackley adjourned the meeting at 10:01 p.m. to the regularly scheduled meeting of July 21, 2021. The regularly scheduled City Council meetings of June 16 and July 7, 2021 have been cancelled.

Respectfully submitted:



MITZI ORTIZ, MMC
CITY CLERK

Approved by:



TIFFANY ACKLEY
MAYOR