

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
April 20, 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 7:08 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
TODD LEISHMAN, DEPUTY CITY ATTORNEY
MITZI ORTIZ, CITY CLERK
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR
LIZZY MENDOZA, RECREATION & COMMUNITY SERVICES MANAGER
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER
SHERYL MARIANO, ACCOUNTING SUPERVISOR
CAPT. SCOTT MERRILL, CHIEF OF POLICE SERVICES

PLEDGE OF ALLEGIANCE: Councilmember Harrington led the pledge of allegiance.

1. SPECIAL PRESENTATIONS:

1.1. FEATURED BUSINESS OF THE MONTH - PACIFIC LIFE INSURANCE

Mayor Chun introduced the video and presented the certificate of recognition to Senior Vice President Tennyson Oyler. Mr. Oyler expressed his appreciation.

1.2. TRUSTED PARTNER RECOGNITIONS - CAPISTRANO UNIFIED SCHOOL DISTRICT AND BOYS & GIRLS CLUB OF CAPISTRANO VALLEY

Mayor Chun presented the certificates of recognition to Aliso Niguel High School Principal Michael Hatcher, Don Juan Avila Middle School Principal Amy Varrichio, Aliso Viejo Middle School Principal George Duarte, and Boys & Girls Club of Capistrano Valley Associate Executive Director Nicole Watson. Recipients expressed their appreciation. Ms. Watson introduced Youth of the Year Xitlalic Rojas. Ms. Rojas provided a presentation on her experience with the Boys & Girls Club.

1.3. PROCLAMATION - FAIR HOUSING MONTH

Mayor Chun presented the proclamation to Fair Housing Foundation Community Engagement Liaison Martha Torres. Ms. Torres expressed her appreciation and provided information on services available to the community.

1.4. PROCLAMATION - DMV / DONATE LIFE MONTH

Mayor Chun introduced Councilmember Munzing, who commented on the importance of tissue, eye, and organ donation. Mayor Chun presented the proclamation to OneLegacy Ambassador Angela Betts. Ms. Betts expressed her appreciation and commented on the importance of the designation.

2. ADDITIONS, DELETIONS, REORDERING TO THE AGENDA:

None.

3. COMMUNITY INPUT:

1. Marlene Lewis requested changes to the reporting procedures for barking dogs.
2. Angel Fernandez expressed concern with recreational vehicle parking on city streets.
3. Jonathan Light urged support of the Energy Innovation and Carbon Dividend Act.
4. Max Wakeman urged support of the Energy Innovation and Carbon Dividend Act.

4. CONSENT CALENDAR:

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

Motion: Mayor Pro Tem Hurt moved and Councilmember Harrington 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 March 2, 2022 Special Meeting and the March 2, 2022 Regular Meeting.

4.4. ACCOUNTS PAYABLE

Recommended Action:

1. Ratify accounts payable checks and electronic funds transfers issued March 10, 2022, in the amount of \$790,050.75;
2. Ratify accounts payable checks and electronic funds transfers issued March 17, 2022, in the amount of \$354,268.22; and
3. Ratify accounts payable checks and electronic funds transfers issued March 31, 2022, in the amount of \$398,414.80.

4.5. TREASURER'S STATEMENTS – JANUARY AND FEBRUARY 2022

Recommended Action: Approve January and February 2022 Treasurer's Statements

4.6. AWARD CONTRACT TO RJ NOBLE COMPANY, INC. FOR THE ALISO CREEK ROAD REHABILITATION PROJECT – WOLVERINE TO ALICIA PARKWAY

Recommended Action:

1. Approve Contract Documents, Specifications, and Plans for the Aliso Creek Road Rehabilitation Project – Wolverine to Alicia Parkway;
2. Award a contract in the amount of \$1,423,585 to RJ Noble Company, Inc. as the lowest responsible bidder for the Aliso Creek Road Rehabilitation Project – Wolverine to Alicia Parkway;
3. Authorize the City Manager to execute a contract with RJ Noble Company, Inc.;
4. Authorize City staff to make total compensation to RJ Noble Company, Inc. up to \$1,423,585 plus \$142,358.50 (10% of the contract amount) to allow for contingencies, totaling \$1,565,943.50; 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).

5. PUBLIC HEARINGS:

5.1. ADOPTION OF AN URGENCY ORDINANCE AND INITIATION OF CODE AMENDMENT TO ADD SECTIONS RELATED TO URBAN LOT SPLITS AND OUTDOOR DINING

City Manager David Doyle introduced City Attorney Scott Smith, who provided a brief overview. Deputy City Attorney Todd Leishman provided additional information. Staff responded to questions regarding existing structures and property covenants. Mayor Chun opened the public hearing. There were no speakers. Mayor Chun closed the public hearing. Councilmembers commented on the matter.

Recommended Action:

1. Find that said actions are statutorily exempt from the California Environmental Quality Act (CEQA) under California Government Code sections 65852.21, subd. (j), and 66411.7, subd. (n), whereby the adoption of an ordinance by a city to implement the provisions of Government Code sections 66411.7 and 65852.21, regulating Urban Lot Splits and Two-Unit Projects, is statutorily exempt from the requirements of CEQA;
2. Adopt Urgency Ordinance No. 2022-224 entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA ADDING SECTIONS 14.28 URBAN LOT SPLITS AND 15.14.210 TWO UNIT PROJECTS AND DETERMINING THE ACTION TO BE EXEMPT FROM CEQA; and
3. Introduce and give first reading to an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA ADDING SECTIONS 14.28 URBAN LOT SPLITS AND 15.14.210 TWO UNIT PROJECTS AND AMENDING SECTION 15.22.190 OUTDOOR DINING AND DETERMINING THE ACTION TO BE EXEMPT FROM CEQA.

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

6. DISCUSSION:

6.1. CONSIDERATION OF REIMBURSEMENT OF CITY FEES FOR TASTE OF ALISO NIGUEL EVENT

City Manager David Doyle provided an overview. Councilmembers commented on the matter.

Recommended Action: Discuss and provide direction to staff regarding reimbursement of the cost of City fees for Taste of Aliso Niguel event to Parents & Friends of Aliso Niguel High School (PFAN) in the amount of \$509.53.

Motion: Councilmember Harrington moved and Councilmember Ackley seconded to approve the reimbursement of the cost of City fees for Taste of Aliso Niguel event to Parents & Friends of Aliso Niguel High School (PFAN) in the amount of \$509.53. Motion carried 5-0.

6.2. ORDINANCE AND CITY COUNCIL POLICY REGARDING AFFORDABLE HOUSING UNIT DOCUMENTATION

City Manager David Doyle introduced City Attorney Scott Smith, who provided an overview. Councilmembers commented on the matter.

Recommended Action:

1. Find that the Ordinance is not subject to the requirements of the California Environmental Quality Act for the following reasons:
 - a) The ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in direct or indirect physical change in the environment.
 - b) The ordinance is exempt under Section 15061(b)(3), the general rule exemption, because it can be seen with certainty that there is no possibility that this code amendment will have a significant effect on the environment;
2. Introduce for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA ADDING CHAPTER 3.18 TO THE ALISO VIEJO MUNICIPAL CODE REGARDING AFFORDABLE HOUSING UNIT REPORTING AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; and
3. Adopt City Council Policy No. 600-5 regarding affordable housing unit documentation.

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

6.3. ORDINANCE REGARDING TRANSIENT LODGING OCCUPANT REGISTRATION

City Manager David Doyle introduced City Attorney Scott Smith, who provided an overview. Councilmembers commented on the matter.

Recommended Action:

1. Find that the Ordinance is not subject to the requirements of the California Environmental Quality Act for the following reasons:
 - a) The Ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in direct or indirect physical change in the environment;
 - b) The Ordinance is exempt under Section 15061(b)(3), the general rule exemption, because it can be seen with certainty that there is no possibility that the code amendments therein will have a significant effect on the environment; and
2. Introduce for first reading an Ordinance entitled: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTERS 3.06 AND 15.18 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING TRANSIENT LODGING OCCUPANT REGISTRATION AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

7. CITY MANAGER' S REPORT:

City Manager David Doyle addressed the public comments received; announced spring Recreation Class and Summer Camp registration; JamFest & Summer Camp Expo to be

held from 11:00 a.m. to 2:00 p.m. on April 30, 2022 at Aliso Viejo Ranch; and reported on the Study Session held prior to the Regular Meeting.

8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

Councilmember Ackley: None

Councilmember Harrington: None

Councilmember Munzing:

- Attended Movie Night
- Attended Aliso Viejo Chamber of Commerce Networking Breakfast
- Attended Aliso Niguel High School Science Building Ribbon Cutting Ceremony

Mayor Pro Tem Hurt:

- Participated in Career Day at Wood Canyon Elementary School
- Attended OCTA South Orange County Multimodal Transportation Study webinar
- Attended Orange County Business Council Annual Dinner and Installation
- Attended San Onofre Nuclear Generating Station tour
- Encouraged teens to attend Virtual Mental Health Program at Aliso Viejo Library

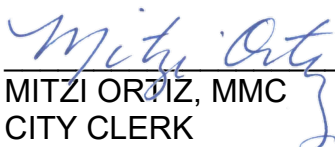
Mayor Chun:

- Attended San Onofre Nuclear Generating Station tour
- Attended Medal of Valor Luncheon
- Attended Aliso Ridge Behavioral Health Center Grand Opening
- Observed OCFA equestrian rescue training
- Appointed to OCFA Security Ad-hoc Committee
- Attended City / AVCA Standing Committee Meeting
- Arranging City tour for Soka University students
- Presented on disaster response and humanitarian support in Ukraine
- Expressed appreciation to those who offered condolences on loss of pet

9. **ADJOURNMENT:** Mayor Chun adjourned the meeting at 9:07 p.m. to the regularly scheduled meeting of May 4, 2022.

Respectfully submitted:

Approved by:


MITZI ORTIZ, MMC
CITY CLERK


ROSS CHUN
MAYOR