

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
May 20, 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 7:00 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:** Eric Winter led the pledge of allegiance.

**1. SPECIAL PRESENTATIONS:**

**1.1. STATE OF THE CITY VIDEO**

City Manager David Doyle introduced the State of the City video.

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

Mayor Pro Tem Ackley requested the reordering of Discussion Item 6 2 to be considered immediately following the Consent Calendar.

3. **COMMUNITY INPUT:**

City Clerk Mitzi Ortiz read the following electronic communication into the record:

1. Christy Cornwall requested establishment of emergency rental assistance fund
2. Michelle Schumacher expressed concerns with the Transportation Corridor Agency.
3. Jeffrey Fein urged the City Council to work on reopening the community.
4. Denise Colber expressed concerns with the Transportation Corridor Agency.
5. No Toll Road 2020 expressed concerns with the Transportation Corridor Agency.
6. Rob Winslow expressed appreciation for the Mayor's recent monthly message.
7. David Stoll expressed appreciation for the Mayor's recent monthly message.
8. Gloria Bumanglag expressed appreciation for the Mayor's recent monthly message

4. **CONSENT CALENDAR:**

City Clerk Mitzi Ortiz read the following electronic communication into the record:

1. J. Michael Vaughn requested amendments to Items 4.2 and 4.2 regarding public comment received.
2. Andrea Howhannesian, Sunset Property Services, expressed concern regarding Item 4.8 regarding evaluation process
3. Rick Anderson, CleanStreet, expressed concern regarding Item 4.8 regarding evaluation process.

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

**Motion:** Councilmember Harrington moved and Councilmember Phillips 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 – APRIL 8, 2020 SPECIAL MEETING AND APRIL 15, 2020 REGULAR MEETING**

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

4.3 SECOND READING AND ADOPTION OF AN ORDINANCE RELATING TO THE ESTABLISHMENT OF DISCRETIONARY PERMITS AND THE EXTENSION OF EXPIRING DISCRETIONARY PERMITS

**Recommended Action:** Conduct second reading and adopt Ordinance No. 2020-214 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

4.4 ACCOUNTS PAYABLE

**Recommended Action:**

1. Ratify accounts payable checks and electronic funds transfers issued April 02, 2020 in the amount of \$206,506.28;
2. Ratify accounts payable checks and electronic funds transfers issued April 09, 2020 in the amount of \$199,343.57;
3. Ratify accounts payable checks and electronic funds transfers issued April 016, 2020 in the amount of \$852,739.40,
4. Ratify accounts payable checks and electronic funds transfers issued April 23, 2020 in the amount of \$441,110.11 and
5. Ratify accounts payable checks and electronic funds transfers issued April 30, 2020 in the amount of \$116,782.55

4.5. TREASURER'S STATEMENT – MARCH 2020

**Recommended Action:** Approve March 2020 Treasurer's Statement

4.6. GENERAL MUNICIPAL ELECTION – NOVEMBER 3, 2020

**Recommended Action:**

1. Adopt Resolution No. 2020-09 calling for the holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities;
2. Adopt Resolution No. 2020-10 requesting the Orange County Board of Supervisors to consolidate a General Municipal Election to be held on Tuesday, November 3, 2020 with the Statewide General Election to be held on the date pursuant to § 10403 of the Elections Code; and
3. Adopt Resolution No. 2020-11 adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, November 3, 2020.

4.7. AWARD CONTRACT TO ALL AMERICAN ASPHALT FOR THE FY19-20 SLURRY SEAL AND REHABILITATION PROJECT

Public Works Director Shaun Pelletier responded to questions regarding project location, and utility company road work projects, contractor, and warranty. Councilmembers commented on the matter.

**Recommended Action:**

1. Approve Contract Documents, Specifications, and Plans for the FY19-20 Slurry Seal and Rehabilitation Project;
2. Award a contract in the amount of \$1,645,159.84 to All American Asphalt as the lowest responsible bidder for the FY19-20 Slurry Seal and Rehabilitation Project;
3. Authorize the City Manager to execute a contract with All American Asphalt;
4. 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. Authorize the appropriation \$327,417.83 in unreserved gas tax funds;
6. Authorize City staff to make total compensation to All American Asphalt up to \$1,645,159.84 plus \$82,257.99 (5% of the contract amount) to allow for contingencies, totaling \$1,727,417.83.

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

4 8 AGREEMENT WITH R.F. DICKSON CO., INC. FOR STREET SWEEPING SERVICES

City Manager David Doyle provided an overview. Staff responded to questions regarding request for proposal process, and street sweeping schedule. Mayor Munzing opened for public comment. City Clerk Mitzi Ortiz read the following electronic communication into the record:

1. Andrew Howhannesian, Sunset Property Services, expressed concern with the request for proposal process and results.
2. Rick Anderson, CleanStreet, expressed concern with the request for proposal process.

Councilmembers commented on the matter

**Recommended Action:**

Authorize the City Manager to reject all proposals received and issue revised request for proposals

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

4 9 FOURTH AMENDMENT TO THE AGREEMENT FOR ALISO VIEJO RANCH ARCHITECTURAL DESIGN SERVICES

**Recommended Action:**

1. Approve a Fourth Amendment to the Agreement with Thirtieth Street Architects for Aliso Viejo Ranch Architectural Design Services that increases the agreement amount by \$260,000; and
2. Authorize the City Manager to execute the Fourth Amendment to the Agreement

4.10. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH SAGECREST PLANNING AND ENVIRONMENTAL TO PROVIDE CONTRACT PLANNING SERVICES

**Recommended Action:** Approve and authorize the City Manager to execute a First Amendment to the Professional Services Agreement with Sagecrest Planning and Environmental for contract planning services to increase the total compensation by an amount not to exceed \$55,000 and extend the term of the contract to June 30, 2021

4.11 LAW ENFORCEMENT SERVICES AGREEMENTS FOR FY 2020-21

City Manager David Doyle and Public Works Director Shaun Pelletier responded to questions regarding crossing guard services. Councilmembers commented on the matter.

**Recommended Action:**

1. Approve and authorize the City Manager to execute the agreement with the County of Orange for FY 2020-21 law enforcement services; and
2. Approve and authorize the City Manager to execute the amendment to agreement with All City Management Services, Inc. for school crossing guard services.

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

4.12. AUTHORIZATION TO SIGN FOR CALOES & FEMA REIMBURSEMENTS

**Recommended Action:** Approve and adopt Resolution No. 2020-12, the California Office of Emergency Services' Designation of Applicant's Agent Resolution for Non-State Agencies (CalOES 130), designating the City Manager, Director of Financial Services, and Human Resources Manager as authorized agents when dealing with the California Office of Emergency Services (CalOES) or the Federal Emergency Management Agency (FEMA) for the purposes of obtaining federal and/or state financial disaster assistance.

6. DISCUSSION:

6.2 ADOPT ANNUAL BUDGET FOR FY 2020-21

City Manager David Doyle introduced Financial Services Director Gina Tharani who provided an overview. City Manager David Doyle and Community Development Director Omar Dadabhoy provided additional information. Staff responded to questions regarding OCFA, the Aliso Viejo Ranch Project, revenue projections, reserve funding, and staffing changes. Councilmembers commented on the matter.

**Recommended Action:**

1. Adopt Resolution No. 2020-13 approving the Annual Operating Budget for FY 2020-2021;

2. Adopt Resolution No. 2020-14 approving a Salary Schedule, new positions, retitling of existing positions and benefits for City of Aliso Viejo employees, effective July 1, 2020; and
3. Adopt Resolution No. 2020-15 approving Council Policy 500-1 establishing an employee computer loan program

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

MAYOR PRO TEM ACKLEY LEFT THE TELECONFERENCE AT 8.50 P.M. AND RETURNED AT 8:55 P.M.

## **5. PUBLIC HEARINGS:**

### **5.1 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 introduced Community Development Director Omar Dadabhoy, who provided an overview. Staff responded to questions regarding architectural requirements, Regional Housing Needs Allocation impact, current applications, and allowable regulations. 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. Hold a public hearing;
2. Find that the introduction of the Ordinance is statutorily exempt from the California Environmental Quality Act in accordance with CEQA Guidelines section 21080.17, which exempts from CEQA any ordinance that is adopted to implement Government Code section 65852.2; and
3. Introduce an Ordinance 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:** Mayor Pro Tem Akcley moved and Councilmember Chun seconded to approve the recommended actions. Motion carried 4-1, with Councilmember Harrington dissenting

### **5.2 REQUEST TO APPROVE PLANNING APPLICATION PA20-007 CONDITIONAL USE PERMIT (CUP) FOR THE EXPANSION OF AN OUTPATIENT MEDICAL USE (WITH SIX OR MORE CUSTOMERS) AS PART OF AN EXISTING CLINIC IN THE CVS PHARMACY LOCATED AT 26891 ALISO CREEK RD.**

City Manager David Doyle introduced Senior Planner Adrienne Gladson, who provided an overview. Staff responded to questions regarding floor plan, services offered, privacy concerns, and group session. 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),
3. Adopt Resolution No. 2020-16 to approve Planning Application PA20-007 Conditional Use Permit (CUP) for the expansion of an outpatient medical use (with six or more customers) as part of an existing clinic in the CVS store located at 26891 Aliso Creek Road.

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

5.3. 2020-2021 CDBG Annual Action Plan

City Manager David Doyle introduced Community Development Director Omar Dadabhoj, who provided an overview. Staff responded to questions regarding CDBG-CV funds. Mayor Munzing opened the public hearing. City Clerk Mitzi Ortiz previously read the following electronic communication into the record.

1. Christy Cornwall requested establishment of emergency rental assistance fund.

There were no other 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 FY2020-2021 Annual Action Plan 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 FY 2020-2021 Annual Action Plan ("Action Plan") for the use of Community Development Block Grant ("CDBG") funds;
4. Approve and adopt the 2020-2024 County of Orange Analysis of Impediments to Fair Housing Choice ("AI"), and
5. Authorize the City Manager to submit the Action Plan to the U.S. Department of Housing and Urban Development ("HUD"), which executes the HUD contract and authorize the City Manager to submit all related documents with the implementation of the Action Plan.

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

#### 5.4. ALISO VIEJO RANCH RENTAL FEES

City Manager David Doyle introduced Recreation & Community Services Manager Stephanie Phillips, who provided an overview. Staff responded to questions regarding rental areas, fee categories, site capacity, insurance, security, and live music. 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. Adopt Resolution No. 2020-17 approving the attached Fee Schedule for facility rentals at Aliso Viejo Ranch.
3. Authorize the City Manager to approve fee adjustments in accordance with the Annual Consumer Price Index, All Urban Consumers, Los Angeles-Long Beach-Anaheim, up to a maximum percentage of five percent (5%).

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

#### 6. DISCUSSION:

##### 6.1. AUTHORIZATION TO ENTER INTO EXCLUSIVE CONDITIONAL OPTION AGREEMENT TO PURCHASE THE PROPERTY LOCATED AT 26691 ALISO CREEK ROAD

City Manager David Doyle provided an overview. City Attorney Scott Smith provided additional information. Staff responded to questions regarding purpose of purchase. Councilmembers commented on the matter.

**Recommended Action:**

1. Find that the approval of the agreement is exempt from the California Environmental Quality Act in accordance with CEQA Guidelines section under State CEQA Guidelines §15004 which exempts from CEQA environmental review when it is premature due to insufficient detail on potential future uses of the site;
2. Approve the Exclusive Conditional Option Purchase Agreement and payment to seller of \$100/year (up to ten years) as partial consideration to purchase the subject property located at 26691 Aliso Creek Road (APN No 629-321-43) for \$5,000,
3. Authorize the City Manager to enter into any necessary agreements, including escrow documents to execute the Exclusive Conditional Option Purchase Agreement, subject to any minor confirming changes approved by the City Manager and City Attorney,
4. Find that the option agreement to purchase the subject property is consistent with the City's 2004 General Plan pursuant to Government Code Section 65402.

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

6.3. APPOINTMENT OF SCAG GENERAL ASSEMBLY DELEGATE

City Manager David Doyle provided an overview.

**Recommended Action:** Appoint Councilmember Ross Chun as delegate for the Southern California Association of Governments (SCAG) General Assembly to be held June 4, 2020.

**Motion:** Councilmember Harrington moved and the motion carried by acclamation.

7. CITY MANAGER' S REPORT:

City Manager David Doyle reported on the status of the reopening of City Hall and the efforts by the County of Orange to obtain a variance in order to reopen certain sectors of the community.

8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

Councilmember Chun:

- Congratulated Aliso Niguel High School graduates
- Commented on the anticipated opening of Sgt Pepperoni's Pizza Store
- Expressed appreciation to Moulton Niguel Water District
- Requested consensus to purchase banner congratulating graduates
- Expressed appreciation to local teachers

Councilmember Harrington:

- Commented on changes to Alcoholic Beverage Control regulations
- Commented on cancellation of 4<sup>th</sup> of July celebrations
- Commented on curbside takeout from local restaurants

Councilmember Phillips:

- Commented on reduced parking needs for businesses
- Wished everyone a safe Memorial Day

Mayor Pro Tem Ackley:


- Commented on the cancellation of City Council meetings

Mayor Munzing:

- Expressed appreciation to the public for complying with public health orders
- Encouraged residents to support local businesses

9. ADJOURNMENT: Mayor Munzing adjourned the meeting at 10:08 p.m. to the regularly scheduled meeting of June 3, 2020.

Respectfully submitted.

  
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MITZI ORTIZ, MMC  
CITY CLERK

Approved by:

  
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MIKE MUNZING  
MAYOR