

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
MARCH 7, 2012, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

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

ROLL CALL:

PRESENT: COUNCIL MEMBERS: DONALD A. GARCIA
WILLIAM A. PHILLIPS
CARMEN CAVE
GREG A. FICKE
PHILLIP B. TSUNODA (arrived 7:20
p.m.)

ABSENT: COUNCIL MEMBERS: NONE

STAFF PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT C. SMITH, CITY ATTORNEY
SUSAN A. RAMOS, CITY CLERK
GLENN YASUI, ADMINISTRATIVE SERVICES DIRECTOR
GINA THARANI, FINANCE DIRECTOR
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIRECTOR
SHAUN PELLETIER, ASSISTANT CITY ENGINEER
ALBERT ARMIJO, PLANNING DIRECTOR
LARRY LAWRENCE, PLANNING CONSULTANT
SGT. DJ HALDEMAN, POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Daisy Girl Scout Troop 2237

SPECIAL PRESENTATIONS

None

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None

CONSENT CALENDAR

Mayor Garcia asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. No member of the City Council and the public requested that an item be removed for discussion.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 - 7 AS FOLLOWS:

1. WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS

Approved 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.

2. MINUTES – REGULAR MEETING OF FEBRUARY 1, 2012

Approved the Minutes as submitted.

3. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued January 26, 2012 in the amount of \$595,357.57, issued February 2, 2012 in the amount of \$152,545.77, issued February 16, 2012 in the amount of \$527,856.28, and, issued February 23, 2012 in the amount of \$32,361.11.

4. TREASURER'S STATEMENT – JANUARY 2012

Approved the Treasurer's Statement.

5. FISCAL YEAR 2012-13 BUDGET CALENDAR

Received and filed.

6. CLAIM FOR DAMAGES: ETHAN BURKE

Rejected said claim pursuant to recommendation by the City's claim adjuster, Carl Warren & Co.

7. REQUEST FOR PROPOSAL (RFP) FOR LANDSCAPE MAINTENANCE SERVICES FOR CITY FACILITIES

Approved the RFP and directed staff to advertise, interview contractors if necessary, and recommend a contractor for City Council selection to perform landscape maintenance services at all City facilities.

MOTION CARRIED 4-0 WITH COUNCILMEMBER TSUNODA ABSENT AT THIS TIME.

END OF CONSENT CALENDAR

PUBLIC HEARING ITEM NO. 8

8. **PA 12-001: ZONING CODE AMENDMENT INCLUDING CHANGES THROUGHOUT THE CODE**

Larry Lawrence, Planning Consultant, presented the staff report and responded to questions regarding parking isle width.

Mayor Garcia opened the public hearing. There was no public testimony and the public hearing was closed.

MOTION: MAYOR PRO TEM PHILLIPS MOVED AND COUNCILMEMBER CAVE SECONDED WITH AN AMENDMENT TO INTRODUCE THE ORDINANCE FOR FIRST READING ENTITLED

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT PA 12-001 TO AMEND TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE (ZONING CODE) INCLUDING AMENDMENTS THROUGHOUT THE ZONING CODE

WITH ADDED LANGUAGE (IN UNDERLINE BELOW) TO CHAPTER 15.94, DEFINITIONS, UNDER BUILDING HEIGHT OR STRUCTURE HEIGHT, TO READ, "THE VERTICAL DISTANCE FROM FINISH GRADE TO THE TOPMOST POINT OF A BUILDING OR OTHER STRUCTURE. CHIMNEYS AND FINIALS AND OTHER ARCHITECTURAL DETAILS IDENTIFIED BY THE DIRECTOR, ARE NOT INCLUDED IN THE MEASUREMENT OF BUILDING HEIGHT."

MAYOR PRO TEM PHILLIPS APPROVED THE AMENDMENT AND THE MOTION CARRIED 4-0, COUNCILMEMBER TSUNODA ABSENT.

DISCUSSION ITEMS NOS. 9 THROUGH 12

9. AWARD CONTRACT TO ALL AMERICAN ASPHALT FOR PACIFIC PARK DRIVE/OSO PARKWAY REHABILITATION FROM LA PAZ ROAD TO MOULTON PARKWAY AND LA PAZ ROAD REHABILITATION FROM PACIFIC PARK DRIVE TO NORTH CITY LIMIT

Assistant City Engineer Shaun Pelletier presented the staff report and responded to questions regarding age of Pacific Park street and posting a completion date on the public notice.

Councilmember Tsunoda arrived at this time.

Mayor Garcia opened public comment and there was none.

MOTION: COUNCILMEMBER FICKE MOVED AND MAYOR PRO TEM PHILLIPS SECONDED TO: 1) AWARD A CONTRACT IN THE AMOUNT OF \$722,000 TO ALL AMERICAN ASPHALT AS THE LOWEST RESPONSIBLE BIDDER FOR THE PACIFIC PARK DRIVE REHABILITATION FROM LA PAZ ROAD TO MOULTON PARKWAY, AND LA PAZ ROAD REHABILITATION FROM PACIFIC PARK DRIVE TO NORTH CITY LIMIT; 2) AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALL AMERICAN ASPHALT; 3) AUTHORIZE CITY STAFF TO MAKE TOTAL COMPENSATION TO ALL AMERICAN ASPHALT UP TO \$722,000 PLUS \$72,200 (10% OF THE CONTRACT AMOUNT) TO ALLOW FOR CONTINGENCIES, TOTALING \$794,200; AND, 4) AUTHORIZE THE CITY MANAGER TO EXECUTE A COST SHARING COOPERATIVE AGREEMENT WITH THE CITY OF LAGUNA HILLS.

MOTION UNANIMOUSLY CARRIED.

10. AWARD CONTRACT TO AMERICAN ASPHALT SOUTH, INC. FOR THE FISCAL YEAR 2011-12 SLURRY SEAL AND REHABILITATION

Assistant City Engineer Shaun Pelletier presented the staff report and responded to questions regarding testing of materials samples and coordinating with school schedule.

Mayor Garcia opened public comment and there was none.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO: 1) AWARD A CONTRACT IN THE AMOUNT OF \$627,080.15 TO AMERICAN ASPHALT SOUTH, INC. AS THE LOWEST RESPONSIBLE BIDDER FOR THE FISCAL YEAR 2011-12 SLURRY SEAL AND REHABILITATION PROJECT; 2) AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH AMERICAN ASPHALT SOUTH, INC.; AND, 3) AUTHORIZE CITY STAFF TO MAKE TOTAL COMPENSATION TO AMERICAN ASPHALT SOUTH, INC. UP TO

\$627,080.15 PLUS \$31,354.01 (5% OF THE CONTRACT AMOUNT) TO ALLOW FOR CONTINGENCIES, TOTALING \$658,434.16.

MOTION UNANIMOUSLY CARRIED.

11. CONTRACTS WITHOUT EXPIRATION DATES

City Attorney Scott Smith declared a conflict of interest and removed himself from the Chambers.

Director of Administrative Services Glenn Yasui presented the staff report.

Questions and discussion ensued regarding Council review of the RFP before it is released, the order of the RFPs to be processed, and RFP criteria including qualifications and experience.

Mayor Garcia opened public comment and there was none.

There was additional question to confirm the release of the RFP following Council review and approval scheduled on April 4.

Councilmember Cave expressed opposition to the RFP process and suggested if the City is experiencing non performance and personnel issues with the contractors, the City has other options available such as entering into negotiation with each of the contractors

MOTION: COUNCILMEMBER CAVE MOVED TO ENTER INTO NEGOTIATIONS WITH EACH OF THE SUBJECT CONTRACTORS. MOTION FAILED DUE TO LACK OF A SECOND.

MOTION: MAYOR GARCIA MOVED AND MAYOR PRO TEM PHILLIPS SECONDED TO PROCEED WITH THE LEGAL SERVICES REQUEST FOR PROPOSAL (RFP) PROCESS, AND UPON COMPLETION OF THE LEGAL SERVICES RFP, PROCEED WITH THE RFP PROCESS FOR ENGINEERING, BUILDING AND SAFETY SERVICES. MOTION CARRIED 4-1, COUNCILMEMBER CAVE DISSENTING.

12. ALISO VIEJO EXCHANGE (AVX) COMMUNITY PROGRAM

City Manager Mark Pulone presented the staff report.

Councilmember Tsunoda clarified the estimated amount of \$50,000 is a one time cost to set up a program that will allow expansion and growth for the future.

Mayor Garcia opened public comments.

- 1) Elizabeth Goldsmith expressed comments and concern about the high set up cost and asked the City to reevaluate. She also asked if AVX will be a separate site of its own or will be part of the City's website.

City Manager Pulone replied the program application will be part of the City's website.

Questions and discussion ensued regarding other more affordable application programs, program rights and ownership, and how the preliminary estimated cost was derived.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER FICKE SECONDED TO AUTHORIZE STAFF TO IMPLEMENT THE PROPOSED AVX COMMUNITY PROGRAM AND TO SOLICIT BIDS FOR A WEBSITE APPLICATION FOR THE PROGRAM.

COMMUNITY INPUT

1. Alex Gill-Gerards, commented about the freedom to marry initiative and asked the Mayor to sign a pledge to support the freedom of same-sex couples to marry.

Mayor Garcia clarified the Council cannot take any action on items presented by the public under Community Input but will take it under advisement.

2. Elizabeth Goldsmith, inquired who is the person to talk to at City Hall for ideas and comments.

Ms. Goldsmith was directed to talk to the City Manager.

CITY MANAGER'S REPORT

None

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Ficke

- Attended the SOCMWA meeting on February 9, 2012. Nothing to report at this time.

Tsunoda

- Attended the Aliso Viejo Little League (AVLL) opening day ceremonies on Saturday, February 25, 2012 at Woodfield Park. AVLL presented the City with a glass plaque of appreciation.

Cave

- Expressed clarification that she left the dais to speak to Mr. Gill-Gerards after he made his comments about the freedom to marry initiative, to further explain to him the Brown Act provisions that prohibits the Council from discussing or taking any action on comments received during Community Input. She also submitted the materials she received from Mr. Gill-Gerards, to staff for the records

Phillips

- Commended staff for the beautiful pictures in the Council Chambers.
- Attended a conference in San Diego about smart growth, noting the latest buzz word is “complete streets”.
- Followed up on the completion of the website redesign project.
- Suggested the City should begin looking at options for a paperless agenda packet using ipads.

ADJOURNMENT: Mayor Garcia adjourned the meeting at 7:55 p.m. to the regular Council Meeting of March 21, 2012.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

DONALD A. GARCIA
MAYOR