

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
APRIL 4, 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 7:00 p.m.

ROLL CALL:

PRESENT: COUNCIL MEMBERS: DONALD A. GARCIA
WILLIAM A. PHILLIPS
CARMEN CAVE
GREG A. FICKE
PHILLIP B. TSUNODA (arrived 7:10
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
SHAUN PELLETIER, ASSISTANT CITY ENGINEER
ALBERT ARMIJO, PLANNING DIRECTOR
LT. ROBERT OSBORNE, CHIEF, POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Brownie Troop 1505

SPECIAL PRESENTATIONS

- A. **COUNCIL RECOGNITION AND PRESENTATION TO MARY WILSON FOR HER OUTSTANDING PATRIOTIC EFFORTS AT DON JUAN AVILA ELEMENTARY SCHOOL**

Mayor Garcia gave background and presented the certificate of recognition to Mary Wilson, who was present and accepted with thanks and appreciation.

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: MAYOR PRO TEM PHILLIPS MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 - 5 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 MARCH 21, 2012

Approved the Minutes as submitted.

3. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued March 15, 2012 in the amount of \$188,616.77, and Accounts Payable checks issued March 22, 2012 in the amount of \$41,826.01.

4. TREASURER'S STATEMENT - FEBRUARY

Approved the February 2012 Treasurer's Statement.

5. 2012 UPDATE TO LOCAL CEQA GUIDELINES

Adopted Resolution 2012 –10 entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (PUB. RES. CODE SECTION 21000 ET SEQ.)

END OF CONSENT CALENDAR

DISCUSSION ITEMS NOS. 6 THROUGH 8

6. OCTA M2 ENVIRONMENTAL CLEANUP TIER 1 GRANT - STORMWATER LITTER CONTROL PROJECT PHASE II

Assistant City Engineer Shaun Pelletier presented the staff report and noted a diagram of the filters for the catch basin by Bio Clean Environmental has been provided to the Council on the dais, to staff and a copy for the public, for additional information.

Questions and discussion ensued regarding locations and a monitoring plan for the catch basins, and public information on the website about the City's watershed plan.

Mayor Garcia opened public comment and there was none.

MOTION: COUNCILMEMBER FICKE MOVED AND MAYOR PRO TEM PHILLIPS SECONDED TO ADOPT RESOLUTION 2012-11 ENTITLED;

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3, FOR STORMWATER LITTLE CONTROL PROJECT PHASE II;

AUTHORIZE THE CITY MANAGER TO APPROPRIATE \$32,884 IN MATCHING FUNDS FROM THE GENERAL FUND; AUTHORIZE STAFF TO OBTAIN QUOTES AND SELECT A CONTRACTOR FOR THE STORMWATER LITTER CONTROL PROJECT PHASE II; AND, AUTHORIZE THE CITY MANAGER TO EXECUTE THE STORMWATER LITTER CONTROL PROJECT CONTRACT FOR SELECTED CONTRACTOR. MOTION UNANIMOUSLY CARRIED.

COUNCIL ALSO REQUESTED STAFF TO CLOSELY MONITOR THE EFFECTIVENESS OF THE CATCH BASINS AND PROVIDE ADDITIONAL INFORMATION ON THE WEBSITE REGARDING THE CITY'S WATERSHED PLAN AND COMPLIANCE THEREOF.

7. CITY ATTORNEY SERVICES REQUEST FOR QUALIFICATIONS (RFQ)

City Attorney Scott Smith declared a conflict of interest and stepped outside of the Council Chambers.

Director of Administrative Services Glenn Yasui presented the staff report. He noted

additional proposed changes by staff to pages 6 and 11 of the RFQ pertaining to term extension and additional qualifications (nos. 16 and 17), copies of which have been made available to the Council, staff and the public.

Questions and discussion ensued regarding the proposal turnaround time and a request letter from Best, Best and Krieger, LLC (BBK), the City's current legal services provider, to table said matter to allow time for BBK to work with the City Manager and Finance Officer to negotiate a restated legal services contract for Council consideration on May 2.

Councilmember Cave recommended Council commented it is still not clear as to the purpose of the RFQ and asked Council consider the request from BBK, noting she is not aware of any problems the City is currently experiencing with their service or their staff. She also expressed that past experience has shown successful renegotiations with other contractors based on the manner being suggested by BBK.

Comments ensued the RFQ process will provide an opportunity for the City to do its due diligence and look at other options for its best interest. A suggestion was also made to add another provision to the RFQ for provision of other special services.

Mayor Garcia opened public comment.

- 1) Dr. Raymond De Leon thanked Councilmember Cave for her questions and comments about the proposed RFQ process.

There was no additional public comment.

MOTION: MAYOR PRO TEM PHILLIPS MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE THE REQUEST FOR QUALIFICATIONS (RFQ) WITH THE ADDITIONAL CHANGES AS PRESENTED BY STAFF THIS EVENING FOR PAGES 6 AND 11 OF THE RFQ AND TO INCLUDE A PROVISION FOR OTHER SPECIAL SERVICES; AND, DIRECT STAFF TO SOLICIT PROPOSALS FOR CITY ATTORNEY SERVICES. MOTION CARRIED 4-1, COUNCILMEMBER CAVE DISSENTING.

City Attorney Scott Smith returned to the Council Chambers at this time.

8. GREEN CITY INITIATIVE

Director of Planning Services Albert Armijo presented the staff report and noted copies of suggested revisions to the implementation measures have been provided to Council on the dais, staff, and the public.

Concerns and clarification ensued regarding shade trees under the Energy Conservation (EC) 3-Q section and parking requirements under the Transportation Implementation Measure 2D. Comments were also expressed on flexible parking

requirements and creation of special zones for the purpose of promoting economic development, and identifying the City documents where these policies would reside, before their adoption and implementation.

Council suggested amending the parking requirement language under EC3Q section to read, "...The focus could be on creating appropriate parking requirement by use for new development and revised land uses"...

Mayor Garcia opened public comments.

- 1) Julie Wright, on behalf of Orange County Association of Realtors, expressed support for the City's Green Initiative program and offered the association as a resource for assistance. She also commented that the mandatory retrofit requirements would delay sale of homes and increase foreclosures.

There was no additional public comment.

Council also commented to ensure the review and notification process includes all interested and participating individuals, groups and organizations.

COUNCIL CONSENSUS TO DIRECT STAFF TO POST THE DRAFT NARRATIVE PORTION OF THE GREEN CITY INITIATIVE ON THE GREEN CITY INITIATIVE WEB PAGE OF THE CITY WEBSITE WITH THE FOLLOWING LANGUAGE AMENDMENTS UNDER THE SECTION ENTITLED VEHICLE MANAGEMENT/TRANSPORTATION IMPLEMENTATION MEASURE 2-D:

"...THE FOCUS COULD BE ON CREATING APPROPRIATE PARKING REQUIREMENTS BY USE FOR NEW DEVELOPMENT AND REVISED LAND USES"...

COMMUNITY INPUT

Marlene Lewis, commented about the annual Relay for Life event and asked the City to consider its support.

CITY MANAGER'S REPORT

Mr. Pulone reported that the slurry seal project is underway as scheduled.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda

- Extended a belated happy birthday to Councilmember Cave
- Commented on a successful Evening with the Mayor last week

Phillips

- He will be attending the SCAG meeting tomorrow with Councilmember Tsunoda
- Commended staff for a job well done on the Foxborough project
- Attended the successful Evening with the Mayor event last week

Garcia

- Requested staff to look into options to regulate the sale and or rent of animals in the City. He noted the City of Irvine recently passed an Ordinance on a similar matter.

ADJOURNMENT: Mayor Garcia adjourned the meeting at 8:10 p.m. to the regular Council Meeting of April 18, 2012.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

DONALD A. GARCIA
MAYOR