

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
MAY 16, 2012, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Closed Session convened at 6:00 p.m.

PRESENT: MAYOR PRO TEM WILLIAM A. PHILLIPS
COUNCILMEMBER CARMEN CAVE
COUNCILMEMBER GREG A. FICKE

ABSENT: MAYOR DONALD A. GARCIA AND COUNCILMEMBER
PHILLIP TSUNODA ARRIVED AT APPROXIMATELY 6:15
P.M.

STAFF PRESENT: MARK PULONE, CITY MANAGER
JAMIE RAYMOND, ASSISTANT CITY ATTORNEY

CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Manager

PUBLIC COMMENT: There was no public comment.

CALL TO ORDER: Mayor Garcia called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:10 p.m.

PRESENT: MAYOR DONALD A. GARCIA
MAYOR PRO TEM WILLIAM A. PHILLIPS
COUNCILMEMBER CARMEN CAVE
COUNCILMEMBER GREG A. FICKE
COUNCILMEMBER PHILLIP B. TSUNODA

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
KAREN CROCKER, COMMUNITY SERVICES DIRECTOR
SHAUN PELLETIER, ASSISTANT CITY ENGINEER
ALBERT ARMIJO, PLANNING DIRECTOR

LT. ROBERT OSBORNE, CHIEF, POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Lt. Robert Osborne, Police Chief.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

No reportable action at this time.

SPECIAL PRESENTATIONS

A. COUNCIL RECOGNITION AND PRESENTATION TO DIRECTOR JERRY WERNER OF EL TORO WASTER DISTRICT AND PRESIDENT LARRY MCKENNEY AND DIRECTOR GARY KURTZ OF THE MOULTON NIGUEL WATER DISTRICT DECLARING THE MONTH OF MAY AS WATER AWARENESS MONTH

Mayor Garcia gave highlights of the proclamation and invited the water district representatives to come forward to accept it. Directors Werner and Kurtz and President McKenney gave comments about water conservation and water rates and expressed thanks and appreciation for the recognition and support.

B. COUNCIL RECOGNITION AND PRESENTATION TO ALISO NIGUEL WOLVERINES GIRLS SOCCER FOR WINNING THE CIF SOUTHERN CALIFORNIA REGIONAL DIVISION 1 CHAMPIONSHIP

Mayor Garcia invited Coach Randy Dodger to come forward and noted Mike Middlebrook, Aliso Niguel High School Athletic Director, and Chris Carter, Aliso Niguel High School Principal, are also present this evening. Coach Dodger gave an overview about the team's victory and certificates of recognition were presented to the following by Mayor Garcia:

Riley Sims	Dominique Bon-Flasza	Ashley Ramirez
Emily Elkins	Alexa Watkins	Miranda Mills
Sammy Jo Prud'homme	Nairika Meshgin	Breanne Chilton-Eddy
Amanda Bates	Kenya Roberson	Taylor King
Tegan Cramer	Natalie Perez	Lauren Miller
Marissa Ramirez	Ashley McCutcheon	Lauren Benner
Sarah Wehan	Alexandria Howell	Sarah Roberts
Nicole Smolinski	Danica Koos	Stephanie Domingue
Jordan Ansara	Aubrey Welsh	Anissa Raja
Lindsay Doyle	Tatum Smith	Candice Navayan

C. COUNCIL RECOGNITION OF MEMBERS OF THE CITY'S COMMUNITY EMERGENCY PREPAREDNESS ACCADEMY FOR SUCCESSFULLY COMPLETING THE CITY'S 7TH ANNUAL ACADEMY

Mayor Garcia gave some background about the program and invited Steve Rhyner, the City's Emergency Management Coordinator, to assist in presenting the certificates of recognition to the following:

Ashdown, Leilani	Hogancamp, David
Bourquardez, Chris	Linson, Dennis
Broughton, Lisa	Martinez, Irene
Bullock, Marielle	Martinez, Jay
Colton, Robin	Prakash, Vinay
Duke, Costanze	Salcedo, Diane
Duke, Sarah	Sommer-Burke, Janette
Dunn, Bill	Tanos, Rita
Fuller, William	Tebbs, Shelly
Hauber, Eric	Ungos, Maria
Hauber, Theresa	

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, however, the City Clerk received requests to speak slips from the public and provided to the Mayor.

MOTION: MAYOR PRO TEM PHILLIPS MOVED AND COUNCILMEMBER CAVE SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 3 AND 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 MAY 2, 2012

Approved the Minutes as submitted.

3. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued April 26, 2012 in the amount of \$768,049.95 and Accounts Payable checks issued May 3, 2012 in the amount of \$50,645.20.

5. AGREEMENT FOR PROFESSIONAL COMMUNITY RELATIONS SERVICES WITH KT COMMUNITY RELATIONS

Approved said Agreement.

MOTION UNANIMOUSLY CARRIED TO APPROVE CONSENT CALENDAR ITEMS 1-3 AND 5 AS PRESENTED.

PULLED ITEMS FROM CONSENT CALENDAR

4. ADOPT ORDINANCE NO. 2012-142

Mayor Garcia opened public comments. The following persons spoke in support of the Ordinance:

1. Cody Wilson
2. Jennifer Wilson
3. Brenda Calvillo
4. Dave Simon
5. Dina Konda
6. Laura Cooley
7. Valeria Bromberg, also asked Council to consider a ban on rodeos and circuses.
8. Diane Finley
9. Philip Le Roux
10. Mandy Le Roux
11. Jean Bland

The following person spoke in opposition of the Ordinance:

1. Stacy Alynn, commented home pet breeders love and care for their animals. She was surprised to hear about the proposed adoption of the Ordinance and asked the Council to reconsider. She submitted literature on coercive legislation.

There were no further public comments.

Staff received three opposition letters by mail and copies were placed on the dais and the public agenda binder. For the record, one of the letters came from Pet Industry Joint Advisory Council.

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE
SECONDED TO ADOPT ORDINANCE NO. 2012-142 ENTITLED:**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO
VIEJO, CALIFORNIA, AMENDING CHAPTER 6.02 OF THE
ALISO VIEJO MUNICIPAL CODE TO PROHIBIT THE RETAIL
SALE OF DOGS AND CATS IN COMMERCIAL
ESTABLISHMENTS**

MOTION UNANIMOUSLY CARRIED.

Councilmember Cave suggested staff look at incorporating this ordinance in the Zoning Code at its next update.

END OF CONSENT CALENDAR

DISCUSSION ITEMS NOS. 6 THROUGH 11

6. **REQUEST FOR COMMUNITY PROMOTION GRANT – DON JUAN AVILA MIDDLE SCHOOL “DESTINATION IMAGINATION COMPETITION”.**

Karen Crocker, Director of Community Services, presented the staff report.

Mayor Garcia opened public comment and there was none.

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE
SECONDED TO APPROVE THE REQUEST FOR A COMMUNITY PROMOTION
GRANT IN AN AMOUNT NOT TO EXCEED \$1,000.00 PAYABLE TO THE
CALIFORNIA CREATIVITY IN SUPPORT OF THE STUDENTS AT DON JUAN AVILA
MIDDLE SCHOOL PARTICIPATION IN THE DESTINATION IMAGINATION
GLOBALFINALS IN KNOXVILLE, TENNESSEE ON MAY 22 – 26, 2012. MOTION
UNANIMOUSLY CARRIED.**

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE
SECONDED TO DISPENSE WITH THE ORAL STAFF REPORT FOR THE
SUBSEQUENT AGENDA ITEMS. MOTION UNANIMOUSLY CARRIED.**

7. **COMMUNITY ASSISTANCE GRANT FUNDING – FISCAL YEAR 2012-13**

Mayor Garcia opened public comment and there was none.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO RECEIVE AND FILE THE APPLICATIONS FOR SAID PROGRAM. MOTION UNANIMOUSLY CARRIED.

8. LAW ENFORCEMENT SERVICES AGREEMENT FOR FISCAL YEAR 2012-13

Mayor Garcia opened public comment and there was none.

Questions and discussion ensued regarding the proposed extension of the term of future contracts by the County Board of Supervisors, the small increase to this year's contract, Proposition 172, the cost allocation methodology, crime statistics, and percentage of the General Fund budget for law enforcement.

Patricia Bello, OCSD Contract Manager, provided an explanation of the cost allocation methodology which is described in the assumption pages that is an attachment to the staff report.

MOTION: MAYOR PRO TEM PHILLIPS MOVED AND COUNCILMEMBER CAVE SECONDED TO APPROVE SAID CONTRACT AND AUTHORIZE THE MAYOR TO EXECUTE SAME. MOTION UNANIMOUSLY CARRIED.

9. ORDINANCE ADOPTING VERY HIGH FIRE HAZARD SEVERITY ZONE MAPS

Councilmember Tsunoda requested continuance of this matter to the June 6, 2012 regularly scheduled Council meeting to allow additional time for review.

Councilmember Cave confirmed with the City Attorney if the Council could vote to continue due to the potential conflict of interest that exist for each Councilmember on this matter. City Attorney Scott Smith responded in the affirmative if the matter is continued to a date certain.

MOTION: COUNCILMEMBER TSUNODA MOVED AND MAYOR PRO TEM PHILLIPS SECONDED TO CONTINUE THIS AGENDA ITEM TO THE JUNE 6, 2012 COUNCIL MEETING. MOTION UNANIMOUSLY CARRIED.

10. AWARD CONTRACT TO NIEVES LANDSCAPE INC. FOR LANDSCAPE MAINTENANCE SERVICES FOR CITY FACILITIES

Mayor Garcia opened public comment and there was none.

MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM PHILLIPS SECONDED TO AWARD CONTRACT AND AUTHORIZE THE CITY MANAGER TO EXECUTE SAME FOR AN AMOUNT NOT TO EXCEED \$306,000.00. MOTION UNANIMOUSLY CARRIED.

11. ORDINANCE AMENDING CHAPTER 3.02 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO BIDDING, CONTRACTING, AND PURCHASING OF SUPPLIES, SERVICES, AND EQUIPMENT

Mayor Garcia opened public comment and there was none.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO INTRODUCE AND APPROVE FOR FIRST READING AND UNANIMOUSLY CARRIED, AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING CHAPTER 3.02 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO BIDDING, CONTRACTING, AND PURCHASING OF SUPPLIES, SERVICES, AND EQUIPMENT.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 2012-14 ENTITLED:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ELECTING TO BECOME SUBJECT OF THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (PUBLIC CONTRACT CODE SECTION 22000 ET SEQ.)

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED AND UNANIMOUSLY CARRIED TO ADOPT THE REVISED CITY COUNCIL POLICY ON PURCHASING PROCEDURES.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED AND UNANIMOUSLY CARRIED TO APPROVE MODEL PROFESSIONAL SERVICES AND CONSTRUCTION CONTRACTS.

COMMUNITY INPUT

Mike Bland, Laguna Hills Marine Support Committee, invited the City Council to attend the Laguna Hills Half Marathon Club Race on Memorial Day, May 28, 2012 at 7:00 a.m. to honor the U.S. Marine Corp Dark Horse Battalion.

CITY MANAGER'S REPORT

None

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Cave

- Attended the Soka International Festival event and it was well-attended.

Phillips

- Also attended the Soka International Festival event last Saturday.
- Attended the OC Tourism Conference and brought back literature on the Orange County Forever Summer theme to incorporate into the City's marketing materials.
- Belated Happy Birthday to Mayor Garcia.

ADJOURNMENT: Mayor Garcia adjourned the meeting at 8:20 p.m. to the regular Council Meeting of June 6, 2012.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

DONALD A. GARCIA
MAYOR