

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
JUNE 6, 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  
COUNCILMEMBER PHILLIP B. TSUNODA

ABSENT: MAYOR DONALD A. GARCIA

STAFF PRESENT: MARK PULONE, CITY MANAGER  
SCOTT SMITH, CITY ATTORNEY

**CLOSED SESSION**

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Donald A. Garcia, Mayor

Unrepresented employee: City Manager

2. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957

Title: City Attorney

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Mark Pulone, City Manager

Unrepresented Employee: City Attorney

**PUBLIC COMMENT:** There was no public comment.

**CALL TO ORDER:** Mayor Pro Tem Phillips called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:15 p.m.

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

ABSENT: MAYOR DONALD A. GARCIA

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 Boy Scout Troop 700.

**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

No reportable action at this time.

**SPECIAL PRESENTATIONS**

A. **COUNCIL RECOGNITION AND PRESENTATION TO GENEVIEVE SEGURA FOR HER QUICK ACTIONS THAT HELPED SAVE LIVES AND PROPERTY**

Mayor Pro Tem Phillips gave some background and presented Ms. Segura with a certificate of recognition. Martin Payne from Senator Mimi Walters' office was also present to recognize Ms. Segura with a certificate on behalf of Senator Walters. Ms. Segura accepted with thanks.

B. **COUNCIL RECOGNITION AND PRESENTATION TO ALISO VIEJO MIDDLE SCHOOL DESTINATION IMAGINATION TEAM**

Mayor Pro Tem Phillips gave some background and invited the students to comment on their project and certificates of recognition were presented to the following: Kate Polucha, Lexi Franklin, Amanda Laguna, Megan Groothuis and Trevor Franklin.

**C. COUNCIL RECOGNITION AND PRESENTATION TO SERGEANT DAVE HARRINGTON FOR RECEIVING THE MEDAL OF MERIT AND DEPUTIES ERIC BROWN AND STEVE YANNIZZI FOR RECEIVING THE MEDAL OF LIFESAVING**

Mayor Pro Tem Phillips gave background and invited Lt. Bob Osborne for additional comments. Certificates of Recognition were presented to Sergeant Dave Harrington and Deputies Eric Brown and Steve Yannizzi. Nadia Attalla, the person who was saved by Deputies Brown and Zannizzi was present with her family and came forward to express thanks and gratitude to the officers for their quick response and excellent medical care provided.

**D. PRESENTATION BY THE SOUTH ORANGE COUNTY REGIONAL CHAMBER OF COMMERCE ENTITLED "SPEAKING UP FOR THE REGIONAL BUSINESS COMMUNITY"**

Jim Leach, Chief Executive Officer of the South Orange County Economic Coalition, a division of the South Orange County Regional Chamber of Commerce, gave a PowerPoint presentation about its mission, purpose, structure and committee members, action plan and key initiatives.

**ADDITIONS, DELETIONS, REORDERING TO THE AGENDA**

Mayor Pro Tem Phillips moved up the Community Input section to allow the Aliso Niguel High School Government Class students who submitted speaker slips for a class assignment, to speak at this time so they don't have to stay out late since it is a school night.

The following students presented the following comments:

1. Brian Vu commented there is no bench at the bus stop at Pacific Park and Aliso Viejo Parkway and suggested placing one for the riders particularly the elderly who frequent that stop.
2. Mitchell Lozada expressed concern about the lack of a no turning signal at the traffic light located at Enterprise and Aliso Creek causing unsafe conditions for motorists and pedestrians.
3. Shannon Seeman expressed concern about the poor visibility of the right hand turn sign at Journey and Aliso Creek causing motorists to turn right illegally.
4. Fernando Molina expressed concerns about the heavy traffic and lack of parking on Deerhurst and Wolverine during school hours and a new no parking sign has alleviated the problem.
5. Sahar Shojaeddin echoed the concerns of Mr. Molina regarding traffic and parking problems on Deerhurst and Wolverine. She noted the new no parking sign during the hours of 7 am – 9 am is causing students who regularly park in that area and are not aware of the new sign to get traffic tickets.

6. Alex Melvin expressed concerns about the lack of maintenance of the water fountains located in Town Center by the playground area at Grand Park and the Stadium Brewery.

Mayor Pro Tem Phillips thanked the students for bringing these items to the Council's attention and noted their concerns will be looked into.

### **CONSENT CALENDAR**

Mayor Pro Tem Phillips 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 TSUNODA MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 10 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

- A. REGULAR MEETING OF MAY 16, 2012
- B. SPECIAL MEETING OF MAY 23, 2012

Approved the subject minutes as submitted. Councilmember Ficke declared he was absent and will abstain from the Special Meeting Minutes of May 23, 2012.

3. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued May 10, 2012 in the amount of \$209, 245.74; Accounts Payable checks issued May 17, 2012 in the amount of \$54,090.21; and Accounts Payable checks issued May 24, 2012 in the amount of \$1,329,617.38.

4. TREASURER'S STATEMENT - APRIL

Approved the April Treasurer's Statement.

5. INVESTMENT POLICY

Adopted Resolution No. 2012-18 entitled:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REPEALING RESOLUTION NO. 2011-16 AND ADOPTING AN INVESTMENT POLICY FOR FISCAL YEAR 2012-13**

6. RESOLUTIONS FOR THE NOVEMBER 2012 GENERAL MUNICIPAL ELECTIONS

Adopted the following Resolutions entitled:

**RESOLUTION NO 2012-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES**

**RESOLUTION NO. 2012-16, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012 AND TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF THE ELECTION**

**RESOLUTION 2012-17, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATE FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012.**

7. BIENNIAL REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE

Directed staff to review the City's Conflict of Interest Code for updates and submit its findings to Council by October 1, 2012.

8. ADOPTION OF ORDINANCE 2012-143 DESCRIBED BELOW

Conducted second reading and adopted Ordinance No. 2012-143 entitled below:

**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**

9. ALERT OC EMERGENCY PUBLIC MASS NOTIFICATION SYSTEM

Authorized the City Manager to renew a Memorandum of Understanding between the County of Orange and the City for use of the AlertOC Mass Notification System.

10. PROFESSIONAL SERVICES AGREEMENT WITH LAWRENCE ASSOCIATES FOR PLANNING CONSULTANT SERVICES

Approved said Agreement.

**END OF CONSENT CALENDAR**

**DISCUSSION ITEMS NOS. 11 THROUGH 15**

11. ORDINANCE ADOPTING VERY HIGH FIRE HAZARD SEVERITY ZONE MAPS (CONTINUED FROM MAY 16, 2012)

Prior to the presentation of the staff report, City Attorney Scott Smith reported there is a conflict of interest with properties owned by each of the Councilmembers on the subject area, therefore as required by law, a drawing is necessary to select three members of the City Council, which constitute a majority, for re-qualification, to participate in the discussion and voting of this item for its first and second reading.

City Clerk Ramos prepared the drawing for four Councilmembers who were present. and asked City Manager Pulone to draw 3 names. The names of Councilmember Cave, Councilmember Ficke and Mayor Pro Tem Phillips were drawn to participate and vote on this item. Councilmember Tsunoda removed himself from the dais and left the Council Chambers at approximately 8:20 p.m. Mayor Garcia was absent.

Director of Planning Services Al Armijo presented the staff report and noted Brett Petroff, a representative from Orange County Fire Authority, is present to answer technical questions.

Mayor Pro Tem Phillips opened public comments.

A member of the public asked to view the changes to the boundaries.

Director Armijo replied the map will be posted on the City's website.

Mr. Petroff responded to Council question about notification to impacted residents.

**MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER CAVE SECONDED TO INTRODUCE AND APPROVE FOR FIRST READING AN ORDINANCE NO. 2012-144 ENTITLED:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DESIGNATING VERY HIGH FIRE HAZARD SEVERITY ZONES WITHIN THE CITY OF ALISO VIEJO**

**MOTION CARRIED 3-0-1-1, COUNCILMEMBER TSUNODA ABSTAINED AND MAYOR GARCIA WAS ABSENT.**

At this time, Councilmember Tsunoda returned to the dais.

12. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL AND REGULATORY SPECIALISTS, INC. (EARS) FOR PLANNING CONSULTANT SERVICES (GENERAL PLAN UPDATE)

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO DISPENSE WITH THE STAFF REPORT. MOTION CARRIED 4-0, MAYOR GARCIA WAS ABSENT.**

Mayor Pro Tem Phillips opened public comment and there was none.

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO APPROVE A SECOND AMENDMENT TO AN AGREEMENT WITH ENVIRONMENTAL AND REGULATORY SPECIALISTS, INC. (EARS) FOR PLANNING CONSULTANT SERVICES FOR THE GENERAL PLAN UPDATE. MOTION CARRIED 4-0, MAYOR GARCIA WAS ABSENT.**

13. THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL AND REGULATORY SPECIALISTS, INC. (EARS) FOR PLANNING CONSULTANT SERVICES (GREEN CITY INITIATIVE)

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO DISPENSE WITH THE STAFF REPORT. MOTION CARRIED 4-0, MAYOR GARCIA WAS ABSENT.**

Mayor Pro Tem Phillips opened public comment and there was none.

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO APPROVE A THIRD AMENDMENT TO AN AGREEMENT WITH ENVIRONMENTAL AND REGULATORY SPECIALISTS, INC. (EARS) FOR PLANNING CONSULTANT SERVICES FOR THE GREEN CITY INITIATIVE PROJECT. MOTION CARRIED 4-0, MAYOR GARCIA WAS ABSENT.**

14. ANIMAL LICENSING REGULATIONS

City Manager Pulone presented the staff report.

Mayor Pro Tem Phillips opened public comment and there was none.

Staff responded to Council question about the definition of unusual animals as referenced in the report.

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE FIRST READING AND INTRODUCE ORDINANCE NO. 2012-145 ENTITLED:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING CHAPTERS 4.01, 4.03, 6.02 AND 6.04 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING THE LICENSING OF COMMERCIAL ANIMAL ESTABLISHMENTS AND FACILITIES.**

**MOTION CARRIED 4-0, MAYOR GARCIA WAS ABSENT.**

15. PROPOSED ANNUAL BUDGET FOR FISCAL YEAR 2012-13

City Manager Mark Pulone presented the staff report.

Mayor Pro Tem Phillips opened public comment and there was none.

Councilmember Tsunoda requested staff to report back on any financial impact to the City as a result of the plans of CalPERS to lower the return of investment.

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO ADOPT THE PROPOSED ANNUAL BUDGET WITH THE PROPOSED CHANGES; 2) AUTHORIZE STAFF TO APPROPRIATE FUNDS AS REQUIRED BY THE PROPOSED CHANGES; AND, 3) ADOPT THE BUDGET RESOLUTION NO. 2012-19 ENTITLED:**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING THE 2012-2013 FISCAL YEAR BUDGET FOR THE CITY OF ALISO VIEJO**



**MOTION CARRIED 4-0, MAYOR GARCIA WAS ABSENT.**

**COMMUNITY INPUT**

A portion of Community Input was moved up following Special Presentations.

The following persons spoke to express concerns about public safety issues at the San Onofre nuclear plant and its plans to re-start the faulty generators prematurely:

1. Sharon Hoffman, expressed concerns and requested the City Council place this matter on the agenda for discussion as soon as possible and encouraged the Council to write to the State representatives about this matter. She provided staff with pertinent literature for distribution to Council.
2. Patti Davis, expressed concerns that the San Onofre plant has the worst safety records according to information received and its evacuation plan is flawed. She asked that the matter be agendized in order to take a closer look at what is going on.
3. Bill Hunker, asked that the public be given an opportunity to comment if the matter is agendized.
4. Harold Johnston, expressed similar concerns and about insurance coverage.
5. Heather Pritchard, reiterated concern and requested the matter be agendized.
6. Gary Headrick, gave background about a concerned citizen group called San Clemente Green, Citizens for a Sustainable Future regarding the state of the San Onofre plant. He reiterated concerns and requested the matter be placed on the agenda and noted this matter is of great urgency.
7. Karen Wilson, expressed similar concerns and asked the matter be placed on the agenda. She noted she is not opposed to safe nuclear power.
8. Kimberly Leeds, asked Council to agendize the matter and commended the City on its Green City Initiative efforts.

Councilmember Cave noted she has no comments due to a potential conflict of interest.

Councilmember Tsunoda stated the City needs to do its due diligence on the matter and suggested staff look into the matter and report back to Council.

**CITY MANAGER'S REPORT** – None.

**ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES**

Councilmember Ficke

- Announced he will be attending the ANHS graduation on June 20 and will not be present at the next Council meeting.

Tsunoda

- Attended the International Conference of Shopping Centers and will be discussing the session on economic development with the City Manager.
- He is looking forward to the upcoming Aliso Viejo Community Cup Golf Tournament on Friday, June 8, 2012.

Cave

- Attended the Breakfast reception for the Italian delegation at the Renaissance.
- Attended the ANHS Girls Soccer Team State Championship Ring ceremony sponsored by EPN at the Aliso Viejo Aquatic Center on May 31. She noted it was very hot and there were not enough umbrellas or shade structures at the event and suggested staff consider these items at the mid year budget review.

Phillips

- Attended the Orange County Housing Forum and stated the discussion focused on the need to create and bring jobs to Orange County.
- Attended the Green City Initiative workshop with Councilmember Tsunoda and was dismayed about complaints and concerns expressed regarding project impacts to other cities, by some professional organizations who were in attendance but have not previously participated or been involved in the review and discussion process of this project. He suggested interested parties should get themselves involved and bring up any concerns in the beginning of the process.
- Attended the General Plan Update meeting with Councilmember Cave and an economic report will be prepared for distribution to Council regarding the Town Center, smart streets, and other items.
- Expressed congratulations to Councilmember Ficke for his son, Zachary, who will be graduating as valedictorian in his class, and all of the other students graduating with honors.

**ADJOURNMENT:** Mayor Pro Tem Phillips adjourned the meeting at 9:10 p.m. to the regular Council Meeting of June 20, 2012.

Respectfully submitted,

Approved by:

---

SUSAN A. RAMOS  
CITY CLERK

---

DONALD A. GARCIA  
MAYOR