

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 19, 2012, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Closed Session convened at 6:30 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. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representatives: City Manager
Unrepresented employee(s): All City Employees

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 7:05 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
SHAUN PELLETIER, CITY ENGINEER

MARC FERNANDEZ, ASSISTANT CITY ENGINEER
ALBERT ARMIJO, PLANNING DIRECTOR
LT. ROBERT OSBORNE, CHIEF, POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Boy Scout Kevin Monroe.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

No reportable action at this time.

SPECIAL PRESENTATIONS

A. **INTRODUCTION OF SCHOOL RESOURCE OFFICER**

Chief of Police Services Lt. Robert Osborne introduced Deputy Tom Maxwell as Aliso Viejo's new Student Resource Officer (SRO) for Aliso Niguel High School. Mr. Maxwell gave background about his qualifications and experience and an overview of the school's program and his role in it. He expressed delight in serving the City in this capacity and expressed thanks for the opportunity to come this evening.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

At this time, City Manager Mark Pulone introduced Marc Fernandez, the City's new Assistant City Engineer, formerly held by Shaun Pelletier, who is presently serving as the City Engineer.

City Manager Mark Pulone also requested to reschedule Agenda Item 9, an Ordinance amending several sections of the Aliso Viejo Municipal Code regarding fees for City Services and adoption of a Resolution establishing such fees, to November 6, 2012 to allow additional staff research.

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. Councilmember Tsunoda requested to pull agenda item no. 8. No member of the public requested an item be removed for discussion.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER CAVE SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 8 AS PRESENTED.

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 AUGUST 15, 2012

Approved the subject minutes as submitted.

3. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued August 9, 2012 in the amount of \$166,836.89; Accounts Payable checks issued August 16, 2012 in the amount of \$552,268.78; Accounts Payable checks issued August 23, 2012 in the amount of \$234,332.54; Accounts Payable checks issued August 30, 2012 in the amount of \$52,006.21; and, Accounts Payable checks issued September 6, 2012 in the amount of \$73,443.45.

4. TREASURER'S STATEMENT – JULY 2012

Approved the July 2012 Treasurer's Statement.

5. CITIZEN, SENIOR, YOUTH OF THE YEAR

Authorized the Selection Committee to select the Annual Citizens of the Year.

6. RELEASE OF BOND FOR TESORO GAS STATION CAR WASH

Adopted a Resolution releasing Grading Bond No. 105592323 for Tesoro Gas Station Car Wash, entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO
VIEJO, CALIFORNIA, RELEASING THE GRADING BOND
ASSOCIATED WITH TESORO GAS STATION CAR WASH

7. FOURTH AMENDMENT TO AGREEMENT WITH ENVIRONMENTAL AND
REGULATORY SPECIALISTS INC. (EARS) FOR PLANNING CONSULTANT
SERVICES

Approved said Amendment to Agreement and authorized City Manager to execute same.

MOTION CARRIED 4-0 TO APPROVE CONSENT CALENDAR ITEMS 1 AND 3 – 8 AS PRESENTED WITH MAYOR GARCIA ABSENT. MOTION CARRIED 3-0 TO APPROVE ITEM 2 WITH COUNCILMEMBER FICKE ABSTAINING AND MAYOR GARCIA ABSENT.

PULLED CONSENT CALENDAR ITEM

8. AWARD CONTRACT TO CIVILSOURCE FOR CONSTRUCTION INSPECTION SERVICES

Councilmember Tsunoda requested this item be pulled from the consent calendar. He suggested for future contract awards, staff include a list of firms that submitted proposals with their ranking and scores in order to provide a more comprehensive view of the selection process.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER CAVE SECONDED TO AWARD SAID CONTRACT AND AUTHORIZE THE CITY MANAGER TO EXECUTE SAME FOR AN AMOUNT NOT TO EXCEED \$200,000. MOTION CARRIED 4-0 WITH MAYOR GARCIA ABSENT.

END OF CONSENT CALENDAR

PUBLIC HEARING ITEM NO. 9

9. ORDINANCE AMENDING SEVERAL SECTIONS OF THE ALISO VIEJO MUNICIPAL CODE REGARDING FEES FOR CITY SERVICES AND RESOLUTION ESTABLISHING FEES

This item was rescheduled to November 6, 2012, as requested by staff to allow further research.

DISCUSSION ITEM NOS. 10 AND 11

10. UPDATE ON CITY'S STRATEGIC INITIATIVE AND AD HOC COMMITTEE

City Manager Pulone presented the staff report, highlighting some of the initiatives listed. Staff responded to Council questions pertaining to Measure B and the Go Local Shuttle Program, Measure M and major re-pavement projects. Mr. Pulone noted a correction and added the AVX Program to the current initiatives list and gave a status update.

Mr. Pulone also noted the Boys and Girls Club Ad Hoc Committee is the only active committee at this time.

11. ALISO VIEJO CONFERENCE CENTER SUMMARY REPORT FOR FISCAL YEAR 2011-12

City Manager Pulone gave an overview and deferred additional comments to Kelly Addington, General Manager of the Aliso Viejo Conference Center.

Ms. Addington presented the report highlighting increased revenues, decreased expenditures and major program activities and events and responded to questions of the Council. She also announced tomorrow night's Sip and Savor community-driven event and invited the Council, staff and the public to attend.

Council expressed commendation and congratulations to Kemper Sports and its staff for a successful year and encouraged them to keep up the good work and continue to look at ways to increase attendance and revenues.

COMMUNITY INPUT

None.

CITY MANAGER'S REPORT

City Manager Pulone reported the City has complied to a request from the Orange County Grand Jury and posted on its website a compensation matrix for all City employees.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda

- Reported he attended the League of California Cities conference in San Diego and had a chance to meet with Chase, the City's banking financial team, who expressed appreciation and delight working with City staff.
- Commented he had concerns over the posting of pictures on a political website that depicted law enforcement personnel and the City seal. He asked the City Attorney how complaints under applicable County and City regulations might be pursued. The City Attorney responded that it would be the County and District Attorney that would concern themselves with potential violations of County Codes, but that enforcement of the City Code could occur through a lawsuit between individuals or a civil or criminal action brought by the City Attorney. He further stated that the most common practice in that regard is for the City to respond to complaints with notice to the violator, followed by a demand letter, and in the rare cases where compliance does not occur, through the filing of a

civil or criminal complaint.

Cave

- Reported she also attended the League of California Cities Conference in San Diego and enjoyed the session on “Loving our City”.

Phillips

- Reported he also attended the League of California Cities Conference in San Diego and echoed Councilmember Cave’s comments. He also found the economic development presentation regarding breweries interesting.

ADJOURNMENT: The Council adjourned the regular meeting and convened the Public Facilities Corporation Board of Directors Annual Meeting (minutes recorded separately). The next regularly scheduled City Council meeting is on October 3, 2012.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

DONALD A. GARCIA
MAYOR