

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
NOVEMBER 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.

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

ABSENT: 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  
KAREN CROCKER, COMMUNITY SERVICES DIRECTOR  
SHAUN PELLETIER, CITY ENGINEER  
ALBERT ARMIJO, PLANNING DIRECTOR  
LARRY LAWRENCE, PLANNING CONSULTANT  
LT. ROBERT OSBORNE, CHIEF, POLICE SERVICES

**PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by the Orange County Sheriff's Department Post #449 Explorers.

**SPECIAL PRESENTATIONS**

A. COUNCIL RECOGNITION AND PRESENTATION OF CERTIFICATES TO OCSD POST #449 EXPLORERS CYNTHIA FLORES, ALICIA EMERSON, BRYAN CADENA, AND MATTHEW LEADING

Mayor Garcia provided background and presented certificates of recognition to the South Division Orange County Sheriff's Department Explorers Flores, Emerson, Cadena and Leading from Post #449. Explorer Flores gave a brief description of the Tubular Assault activity which garnered them their win.

**B. PRESENTATION BY JUDY IANNACONE ON THE ORANGE COUNTY HUMAN RELATIONS ANNUAL REPORT**

Mayor Garcia introduced Judy Iannaccone, who presented the annual Orange County Human Relations report and distributed copies of said report to Council and staff. Following the presentation, Ms. Iannaccone presented the City with a certificate of appreciation for its continued support. Mayor Garcia expressed thanks.

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

City Manager Pulone noted for the record that a corrected copy of the Ordinance in Agenda Item no. 9 is available on the dais for Council and copies to staff and the public binder, for Council adoption. The correction included a provision in Section 15.62.030.C entitled "Effect of Other Regulations".

**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 Council or the public requested an item be removed for discussion.

**MOTION: MAYOR PRO TEM PHILLIPS MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 10, 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 OCTOBER 17, 2012**

Approved the subject Minutes as submitted.

3. **ACCOUNTS PAYABLE**

Ratified Accounts Payable checks issued October 11, 2012 in the amount of \$186,216.91 and Accounts Payable checks issued October 18, 2012 in the amount of \$595,162.08.

4. **TREASURER'S STATEMENT – SEPTEMBER 2012**

Approved the September 2012 Treasurer's Statement.

5. CAFETERIA PLAN BENEFITS

Adopted Resolution No. 2012-32 entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, RELATING TO THE BENEFIT SCHEDULE FOR NON-REPRESENTED EMPLOYEES

6. RELEASE OF BOND FOR TARGET

Adopted Resolution No. 2012-33 entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, RELEASING GRADING BOND NO. 08963222, FAITHFUL PERFORMANCE BOND NO. 10555799, AND CASH BONDS FOR TARGET

7. RELEASE OF BOND FOR TESORO GAS STATION CAR WASH

Adopted Resolution 2012-34 entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, EXONERATING LANDSCAPING CASH BOND, IN THE FORM OF A CHECK, FOR TESORO GAS STATION CAR WASH

8. ANNUAL MEASURE M2 EXPENDITURE REPORT

Adopted Resolution 2012-35 entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2011-12 M2 EXPENDITURE REPORT

9. PA 12-027: ZONING CODE TEXT AMENDMENT

Adopted Ordinance No. 2012-146 entitled below:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT PA 12-027 TO AMEND TITLES 11 AND 15 OF THE ALISO VIEJO MUNICIPAL CODE TO MAKE VARIOUS CLEAN UP REVISIONS.

10. OCTA M2 ENVIRONMENTAL CLEANUP TIER 2 GRANT – DAIRY FORK  
CONSTRUCTED WETLAND PROJECT

Adopted Resolution 2012-36 entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3, FOR DAIRY FORK CONSTRUCTED WETLAND PROJECT.

**MOTION UNANIMOUSLY CARRIED.**

**END OF CONSENT CALENDAR**

**PUBLIC HEARING ITEMS NO. 11 THROUGH 13**

11. ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA STATEWIDE  
COMMUNITIES DEVELOPMENT AUTHORITY TO REFINANCE THE  
COVINGTON, A CONTINUING CARE RETIREMENT COMMUNITY

Director of Finance Services Gina Tharani presented the staff report and noted representatives from the Covington are present for questions.

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

**MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM PHILLIPS  
SECONDED TO ADOPT RESOLUTION NO. 2012-37 ENTITLED:**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO  
VIEJO, CALIFORNIA, APPROVING THE ISSUANCE OF  
REVENUE BONDS BY THE CALIFORNIA STATEWIDE  
COMMUNITIES DEVELOPMENT AUTHORITY TO REFINANCE  
THE COVINGTON, A CONTINUING CARE RETIREMENT  
COMMUNITY.**

**MOTION UNANIMOUSLY CARRIED.**

12. PA 12-026 – A CONDITIONAL USE PERMIT FOR ESTABLISHMENT OF A CHURCH OF APPROXIMATELY 4,949 SQUARE FEET OF LEASED SPACE IN THE EXISTING BUILDING AT 95 ARGONAUT IN THE BP-2 ZONING DISTRICT

Planning Consultant Larry Lawrence presented the staff report.

Questions and comments ensued regarding tax exempt status on these properties and uses, parking, assembly type functions, assembly use limits on weekdays, and the growing number of these types of land use in the City.

Mayor Garcia opened the public hearing.

Robert Bunyan, applicant representative, commented that under the City's parking regulations the proposed project site has ample parking for the proposed use. He also noted that Unity Church has no plans to expand in size or hours of operation.

**MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER CAVE SECONDED TO ADOPT RESOLUTION NO. 2012-38 ENTITLED:**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE CONDITIONAL USE PERMIT TO ALLOW ESTABLISHMENT OF UNITY CHURCH AT 95 ARGONAUT IN THE BP-2 DISTRICT AND TO APPROVE THE ASSOCIATED ALTERNATIVE PARKING PLAN**

**MOTION UNANIMOUSLY CARRIED.**

13. ORDINANCE AMENDING SEVERAL SECTIONS OF THE ALISO VIEJO MUNICIPAL CODE REGARDING FEES FOR CITY SERVICES AND A RESOLUTION ESTABLISHING DEPOSIT AMOUNTS

City Attorney Scott Smith presented the staff report.

Staff responded to questions regarding the date of the last fee study and how the proposed amounts were derived.

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

**MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM PHILLIPS SECONDED TO INTRODUCE FOR FIRST READING ORDINANCE NO. 2012-147 ENTITLED:**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING SEVERAL SECTIONS OF THE ALISO VIEJO MUNICIPAL CODE REGARDING FEES FOR CITY SERVICES**

**MOTION UNANIMOUSLY CARRIED.**

**MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO ADOPT RESOLUTION NO. 2012-39 ENTITLED:**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING DEPOSITS PERTAINING TO FILING, ACCEPTING, REVIEWING, APPROVING OR ISSUING APPLICATIONS, PERMITS OR ENTITLEMENTS**

**MOTION UNANIMOUSLY CARRIED.**

**COMMUNITY INPUT**

None.

**CITY MANAGER'S REPORT**

None.

**ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES**

Phillips

- Announced the upcoming City Selection Committee meeting on November 15 for OCTA Board vacancies for the various districts. He noted that for the past years he has made efforts to talk to the City of Laguna Niguel regarding the Aliso Niguel High School traffic issues without success. He asked his colleagues to do some outreach to the representatives who are running for the OCTA Board seats in our district, regarding this matter.
- Commended Councilmember Tsunoda for his 89% attendance at the Orange County Vector Control District meetings where he serves as the City's delegate.

Tsunoda

- Commented he would be happy to help reach out to our district's representatives as suggested by Mayor Pro Tem Phillips.

Garcia

- Congratulated the newly elected Councilmembers and encouraged his colleagues to extend their support. He noted he has enjoyed his time and experience serving on the City Council since 2007 and although he will no longer be in office, his passion for the community will continue to grow.

**ADJOURNMENT:** The Council adjourned the regular meeting at 7:40 p.m. to the next regularly scheduled City Council meeting on November 21, 2012.

Respectfully submitted,

Approved by:

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SUSAN A. RAMOS  
CITY CLERK

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DONALD A. GARCIA  
MAYOR