

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES

REGULAR MEETING
FEBRUARY 6, 2008, 6:00 P.M.

Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Phillips called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 6:00 p.m.

ROLL CALL: The Mayor requested the Interim City Clerk to call the roll.

PRESENT: COUNCIL MEMBERS: WILLIAM PHILLIPS
DONALD A. GARCIA
CARMEN CAVE
GREG FICKE
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
LINDA D. RUTH, INTERIM CITY CLERK

PUBLIC COMMENTS: The Mayor asked if anyone wished to address the City Council on the below listed Closed Session matters; there was no response.

CLOSED SESSION: The Mayor declared the City Council recessed into Closed Session at 6:02 p.m., to consider the following matters:

1. Public Employee Appointment, City Clerk, pursuant to Government Code Section 54957.
2. Conference with Legal Counsel—Anticipated Litigation: Initiation of litigation, one potential case, pursuant to Government Code Section 54956.9(c).
3. Public Employee Performance Evaluation: City Attorney, pursuant to Government Code Section 54957.
4. Liability Claims: Claim of Antonio Barrios filed against the City of Aliso Viejo, pursuant to Government Code Section 54956.95.

AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:15 p.m., welcomed the public to the meeting, and requested the Interim City Clerk to call the roll.

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ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
LINDA D. RUTH, INTERIM CITY CLERK
GLENN YASUI, DIRECTOR OF ADMINISTRATIVE SERVICES
GENIA GARCIA, DIRECTOR OF PLANNING SERVICES
GENIA THARANI, DIRECTOR OF FINANCIAL SERVICES/
CITY TREASURER
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIR.
HELEN WILSON, DIRECTOR OF COMMUNITY SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Orange County Fire Authority Division Chief Ed Fleming led the assembly in the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION: City Attorney Scott Smith advised that the City Council rejected the claim submitted by Antonio Barrios for the July 10, 2007 damages to person.

SPECIAL PRESENTATIONS

COUNCIL RECOGNITION AND PRESENTATION OF A CERTIFICATES TO AMERICAN YOUTH SOCCER ORGANIZATION (AYSO), REGION 889, FALL 2007 CITY CHAMPIONS AND COACHES: Mayor Phillips introduced the coaches of the Green Thunderbolts, Green Hawks, Goal Rush, Diablos, Cranberry Spaz Muffins, and Crusaders, who gave a brief synopsis of the teams efforts and accomplishments and introduced each team member. Mayor Phillips presented each coach and team member with a Certificate of Recognition and also asked one member from each team questions about what they learned from their soccer experiences. Darryl Ross, Assistant Commissioner for AYSO thanked the City Council for their recognition of the players and their coaches.

CONSENT CALENDAR

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. No Council Member or member of the public requested that an item be removed.

MOTION: On motion by Council Member Ficke, seconded by Council Member Garcia,

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the City Council took the following actions on the following Consent Calendar items:

WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS: Approved the reading by title only of all ordinances and resolution wherein the titles appear on the public agenda; said titles determined to have been read by title, and further reading was waived.

MINUTES—ADJOURNED REGULAR MEETINGS HELD DECEMBER 5, 2007 AND JANUARY 16, 2008: (December 5th Minutes continued from the January 16th meeting) Approved the Minutes for the Adjourned Regular Meetings held December 5, 2007 and January 16, 2008, as submitted.

ACCOUNTS PAYABLE: 1) Ratified Accounts Payable checks issued January 10, 2008 in the amount of \$454,306.33. 2) Ratified Accounts Payable checks issued January 17, 2008 in the amount of \$181,084.87. 3) Ratified Accounts Payable checks issued January 24, 2008 in the amount of \$51,806.88.

TREASURER'S STATEMENT—DECEMBER 2007: Approved the December 2007 Treasurer's Statement.

INVESTMENT POLICY: Adopted the following entitled Resolution:

RESOLUTION NO. 2008-005. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REPEALING RESOLUTION NO. 2007-017 AND ADOPTING AN AMENDED INVESTMENT POLICY FOR FISCAL YEAR 2007-08.

FISCAL YEAR 2007-08 SLURRY SEAL PROJECT—ADVERTISE FOR BIDS:
1) Approved Contract Documents, Specifications, and Plans for the FY 2007-08 Slurry Seal Project. 2) Authorized Staff to advertise, evaluate bids, and recommend contractor for FY 2007—08 Slurry Seal Project.

APPLICATION TO COUNTY OF ORANGE—REGIONAL RECYCLING AND WASTE DIVERSION GRANT PROGRAM: Adopted the following entitled Resolution:

RESOLUTION NO. 2008-006. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE COUNTY OF ORANGE REGIONAL RECYCLING AND WASTE DIVERSION GRANT PROGRAM.

MOTION UNANIMOUSLY CARRIED. Mayor Phillips declared Resolution Nos. 2008-005 and -006 duly passed and adopted.

END OF CONSENT CALENDAR

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DISCUSSION ITEMS

MID-YEAR BUDGET—2007-08: City Manager Mark Pulone briefed his staff report dated February 6, 2008 and noted that general revenue was 3.5 percent below the current budget due to lower anticipated activity in the building industry. Mr. Pulone noted that expenditures were 1.8 percent higher than the current budget due to the unanticipated negotiated increase in deputy sheriff salaries, the 2010 census, and renovation of the tennis courts at the Family Resource Center in Iglesia Park. Mr. Pulone advised that although property taxes remain strong presently, they would be watching them closely when preparing the 2008-09 budget due to the trend in foreclosures because of the mortgage crisis. He also noted that sales tax revenues remain strong although a recent State ruling impacted the largest business in the City, resulting in a decrease in sales tax to the City. Mr. Pulone advised they were researching their appeal options in the case. Mr. Pulone also noted that additional dollars have been included in the budget for planning services to complete the sign inventory and development of a Sign Code.

Mr. Pulone advised that despite the sluggish economy, the City remains in a strong financial position and further noted that a budget workshop would be held on March 19th.

City Manager Pulone stated that subsequent to the preparation of the agenda, a request from the Aliso Viejo Little League for a \$500 City sponsorship had been received and that Staff had included that amount in the Mid-Year budget. Mr. Pulone noted that in return for the sponsorship, the Aliso Viejo Little League displays the City banner throughout the season and provides a booth on opening day, giving the City an opportunity to promote its activities, programs and events.

Council Member Tsunoda thanked the City Council and Staff for including the Aliso Viejo Little League request in the budget and commended them for being fiscally responsible, noting that revenues were on target and expenditures were only at 80 percent. He advised he was looking forward to the March 19th budget workshop.

Council Member Cave reminded the City Council and Staff that the City was in year seven of incorporation and that next year the City would be getting less money back from State subventions.

In response to Council Member Ficke, Director of Financial Services Gina Tharani advised that the City does not have any monies in the County ASI investment program; that the City is in the State Pool and the State cannot borrow from these funds; that certificates of deposit are held until maturity; and that the monies in the Money Market Fund are safe. Council Member Ficke complimented Staff on their work on the budget.

Mayor Pro Tem Garcia echoed the same compliments to Staff, noting that a lot of work goes into the type of financial report submitted this date. In response to Mayor Pro Tem

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Garcia, City Manager Mark Pulone advised the City contracts with HdL Companies and they were researching the process for appealing the State's ruling in the previously mentioned sales tax case. He advised they would keep the City Council apprised of status.

Mayor Phillips commended Staff for their work and suggested that he and the Mayor Pro Tem should visit the new Sheriff and the Board of Supervisors to advise them of the City's position on the unanticipated deputy sheriff increases.

Mayor Phillips asked if any member of the public wished to address the City Council on the matter; hearing no response, he closed public comments.

MOTION: On motion by Council Member Ficke, seconded by Council Member Tsunoda, the City Council approved the Mid-Year Budget for Fiscal Year 2007-08, including the Aliso Viejo Little League \$500 sponsorship. MOTION UNANIMOUSLY CARRIED.

EXTENSION OF SOLID WASTE FRANCHISE AGREEMENT—CR & R INCORPORATED. City Engineer John Whitman briefed his staff report dated February 6, 2008 and noted that CR & R had achieved a 55 percent waste diversion rate for the City with minimal service disruptions. Mr. Whitman pointed out that although the existing franchise had generally more programs than other South County cities, the solid waste franchise rates were slightly higher than the average of neighboring cities due to the short term of the agreement, and that the City Council was desirous of having a more favorable agreement.

Mr. Whitman summarized the negotiated provisions of the proposed Amended and Restated Exclusive Franchise with CR & R as follows: 1) Solid Waste Rates: Reduced residential rate to \$13.47 and starting commercial multifamily rate reduced to \$92 with increase in increments for increased service. 2) Construction and Demolition Hauling: Consolidated into the exclusive franchise with an increase of franchise fee to 15 percent. 3) Universal Waste: Included in franchise service with individual pick-up at garage door with paint to be picked up starting one year after the effective date of the franchise. 4) Term of Contract: Extended to a five-year revolving term with annual extensions. 5) Food Waste: Changed language to require implementation as soon as a processing facility becomes available in the area.

City Engineer John Whitman advised that there was a change in the effective date of the franchise agreement on Page 10, that the term of the Agreement was to commence upon execution of the Agreement and to expire as of 11:59 p.m. on December 1, 2010, with the term being extended effective December 2, 2010, to December 1, 2015. He reported that CR & R was agreeable to the change.

In response to Council Member Ficke, Mr. Whitman advised that with a shorter term agreement, the City could terminate it if performance measures were not being met.

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Council Member Cave expressed her satisfaction with the franchise agreement, noting residents would get more service for less cost and that the agreement was tailored more to Aliso Viejo's needs.

In response to Mayor Pro Tem Garcia, City Engineer Whitman stated that although most South County cities had the same frequency of pick-up, the City offered more services. Mayor Pro Tem Garcia complimented Staff and CR & R on their successful negotiations.

Council Member Tsunoda expressed his pleasure about the inclusion of the universal waste provision in the franchise agreement.

Mayor Phillips asked if anyone in the audience wished to address the City Council on the matter; hearing no response, he closed public comment.

MOTION: On motion by Council Member Cave, seconded by Council Member Ficke, the City Council approved the Amended and Restated Exclusive Franchise Agreement for Collection and Handling of Solid Waste with DR & R Incorporated, effective upon execution of the Agreement and expiring as of 11:59 p.m. on December 10, 2010, with the term being extended effective December 2, 2010, to December 1, 2015. MOTION UNANIMOUSLY CARRIED.

COMMUNITY INPUT

Mayor Phillips asked if anyone wished to address the City Council on any matter within the subject matter jurisdiction of the City Council. Hearing no response, he closed public comment.

CITY MANAGER'S REPORT

1. City Manager Mark Pulone advised that the City was notified by the United States Postal Service (USPS) that they would be delivering the amended, restated environmental assessment document to the City tomorrow. He advised Staff would be reviewing it in detail, that they would try to post it to the City's website, and that notice would be sent to residents via Enews inviting their comments. He further advised that there would be a 30-day comment period on the environmental document. Mr. Pulone expressed the hope that USPS intended to hold a public meeting to receive comments.

2. City Manager Mark Pulone advised that the interior improvements of City Hall were 99 percent complete with only minor adjustments remaining and that on the next agenda Staff would be seeking approval to solicit proposals for exterior improvements. Mr. Pulone stated it was Staff's intent to plan a grand opening of City Hall in July in conjunction with the City's birthday celebration.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda

1. Wished the City Manager a Happy Birthday on Friday.
2. Advised that Council Members should have received an invitation to the opening day ceremonies of Aliso Viejo Little League scheduled for Saturday, February 23rd at Woodfield Park, with a parade commencing at 9:00 a.m.
3. Advised that he and Council Member Ficke attended the Chamber Night at the Orange County Gladiators Basketball game at Junipero Serra Catholic High School and encouraged everyone to check their website and attend a game.

Cave

1. Attended the Coastal Commission public meeting held at the Del Mar Race Track on the 241 Foothill-South Extension which started at 9:00 a.m., but had to leave in order to be at this evening's City Council meeting; advised the Commission would be taking public comments until 8:30 p.m; and further advised that in her opinion it was not looking favorable for the proponents, but the issue could be appealed.
2. Advised that the ad hoc Committee on Affordable Housing Program was working to insure affordable housing would be available in the City in the future.
3. Announced that the Golf Tournament Committee had set July 11th as the date for the City's Annual Golf Tournament and suggested that with the opening of the Aliso Viejo Conference and Aquatic Centers, that perhaps events could be held there.
4. Noted that Congresswoman Mimi Walters held an open forum at the Aliso Viejo Branch Library recently and that she was an ally to the City in helping to fight the USPS project.
5. Advised that she and the Mayor attended a meeting with the consultant on outreach efforts for the Aliso Viejo Ranch Improvements Master Plan and was awaiting comments from the consultant.
6. Attended the League of California Cities Administrative Services Policy Committee meeting in Sacramento.
7. Advised that she went on a Ride-Along with one of the Deputy Sheriffs last Tuesday evening and expressed an interest in discussing at a future City Council meeting the possibility of adopting an ordinance regulating signage and conduct of business in the public right of way, with the exception of lemonade stands, explaining that vehicles are selling produce in the public right of way in the Iglesia Park neighborhood.

Ficke

1. Attended the Chamber Night at the Orange County Gladiators Basketball game as mentioned by Council Member Tsunoda.

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2. Requested support of the Orange County Public Library Big Read program, which would be in March, with a focus on reading the book, To Kill a Mockingbird.
3. Noted that the City Council Chambers was wired to permit televising of meetings.

Garcia

1. Advised that he and his colleagues attended the recent "Meet the Mayor" event at Soka University which was very well attended.
2. Attended the recent Orange County Fire Authority (OCFA) Meeting and noted:
1) As a result of the recent fires, Ford donated ten trucks immediately, six were painted, numbered, and in service within 24 hours. 2) Two dogs, Spud and Juster, had been rescued, subsequently trained to be rescue dogs and added to the Urban Search and Rescue Task Force; they received their badges and had photos taken. 3) Presentation of donation of \$20,000 from Mission Hospital to OCFA for the CEPA program. 4) Action report on the Santiago fire was pending and upon receipt, he would report on it.

Phillips

1. Expressed appreciation to Director of Administrative Services Glenn Yasui for his management of the City Hall Interior Improvement project, especially the Council Chambers.
2. Congratulated City Engineer John Whitman on completion of the median landscape project last Friday and for getting additional street lighting.
3. Thanked Council Member Ficke and City Manager Pulone for attending the TIP Breakfast and noted that the Hospital staff provides valuable service to the community.
4. Encouraged the newspaper to publicize to the community that the USPS revised environmental assessment document was being released and their comments were being solicited.
5. Wished the City Manager Happy Birthday on Friday.

ADJOURNMENT: The Mayor declared the meeting adjourned at 8:24 p.m. Next Regular Meeting to be held February 20, 2008.

Respectfully submitted,

Approved by

LINDA D. RUTH, CMC, RET.
INTERIM CITY CLERK

WILLIAM A. PHILLIPS
MAYOR