

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES

REGULAR MEETING
MARCH 5, 2008, 6:00 P.M.

Council Chamber, 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 A. PHILLIPS
CARMEN CAVE
GREG A. FICKE

ABSENT: COUNCIL MEMBERS: DONALD A. GARCIA
PHILLIP B. TSUNODA

ALSO PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT C. 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 6:00 p.m., to consider the following matters:

1. Conference with Legal Counsel—Anticipated Litigation: Initiation of litigation, one potential case, pursuant to Government Code Section 54956.9(c).
2. Liability Claims: Claim of Bryon Charles filed against the City of Aliso Viejo, pursuant to Government Code Section 54956.95.

AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:05 p.m., welcomed the public to the meeting, and requested the Interim City Clerk to call the roll.

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

ABSENT: COUNCIL MEMBERS: NONE

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

PLEDGE OF ALLEGIANCE TO THE FLAG: Battalion Chief Ken Cruz of the Orange County Fire Authority, led the assembly in the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION: City Attorney Scott C. Smith advised that on a motion by Council Member Cave, seconded by Council Member Ficke, with Council Members Garcia and Tsunoda absent, the City Council denied the claim against the City filed by Bryon Charles.

SPECIAL PRESENTATIONS

1. PRESENTATION—ORANGE COUNTY HUMAN RELATIONS COUNCIL ANNUAL REPORT: Board Member and 17-year resident of Aliso Viejo Judy Iannaccone, presented each Council Member with a copy of the Annual Report, noting that the programs under the Orange County Human Relations Council (OCHRC) needed to be in place before the need for them arose. She gave examples of the services provided to City residents in the past. Ms. Iannaccone also presented the Mayor with a Certificate of Recognition commending the City for their support of the OCHRC.
2. RECOGNITION AND PRESENTATION OF A CERTIFICATE—ALISO NIGUEL HIGH SCHOOL BAND/COLOR GUARD/DRUMLINE: On behalf of the City Council, Mayor Phillips presented the Director and five students representing the Band with a Certificate of Congratulations for being a Western Band Association AAA State Finalist, taking First Place in their Division at the Marching Band Open Series at Mission Hills High School, and taking the Sweepstakes AAA Band at the Costa Mesa Marching Invitational. Mayor Phillips asked the students questions about their participation and experiences in the Band and presented City pins to the Director and Students. Pins were also given to the Director for distribution to other members of the Band.

CERTIFICATES PRESENTED ELSEWHERE

The following Certificates were authorized by the Mayor and forwarded accordingly:

1. Certificate of Congratulations to the City of Mission Viejo on the occasion of their 20th Anniversary.
2. Certificate of Recognition to Kian Khoddam upon obtaining his Eagle Scout Award.
3. Certificate of Recognition to Khang Cao upon obtaining his Eagle Scout Award.

CONSENT CALENDAR

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. The Mayor noted that approval of the February 20, 2008 Minutes had been deleted and would be agendized for the March 19th meeting. Council Member Tsunoda requested removal of Item 7, Appointment of City Clerk, and Council Member Cave requested removal of Item No. 9, adoption of Ordinance No. 2008-094 establishing a Planning Commission. No member of the public requested an item be removed.

MOTION: On motion by Council Member Cave, seconded by Council Member Ficke, 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.

ACCOUNTS PAYABLE: Ratified Accounts Payable checks issued February 14, 2008 in the amount of \$240,746.11.

TREASURER'S STATEMENT—JANUARY 2008: Approved the January 2008 Treasurer's Statement.

AGREEMENT WITH KTS NETWORK SOLUTIONS—CITY HALL TELEPHONE SYSTEM: 1) Awarded a contract in the amount of \$33,480.95 to KTS Network Solutions for the purchase and installation of a Toshiba Strata CIX Telephone System. 2) Authorized the City Manager to enter into an Agreement with KTS Network Solutions for the Toshiba Strata CIX Telephone System. 3) Authorized Staff to provide total compensation to KTS Network Solutions in an amount not to exceed \$36,829, which includes a 10 percent amount to allow for contingencies.

MOTION UNANIMOUSLY CARRIED.

END OF CONSENT CALENDAR

ITEMS REMOVED FROM CONSENT CALENDAR

APPOINTMENT OF CITY CLERK: Council Member Tsunoda removed the matter from the Consent Calendar to offer congratulations to the new City Clerk, Susan A. Ramos, and to express his appreciation, as did other Members of the City Council, to Interim City Clerk Linda D. Ruth for her service to the City.

MOTION: On motion by Council Member Cave, seconded by Council Member Garcia, the City Council appointed Susan A. Ramos to serve as City Clerk. MOTION UNANIMOUSLY CARRIED.

ORDINANCE NO. 2008—094--ESTABLISHMENT OF A PLANNING COMMISSION

(Introduced for first reading at the February 20th meeting) Council Member Cave removed the matter from the Consent Calendar to ask the following questions relating to: The implementation of the selection process for individual commissioners by Council Members, removal of a Planning Commissioner, number of meetings a Commissioner could be absent, and conduct of a Commissioner.

City Attorney Scott C. Smith advised that Section 7-9-4 addressed terms of office and the presumption was, a Commissioner would serve his/her entire term. Misconduct or failure to serve could be addressed in a Council Policy. Council Member Cave expressed support for such a Council Policy.

Council Member Cave requested substitution of another word for “jurisdiction” as used in Section 7-9-7 and substitution of another word for “provided” as used in Section 2 on Page 4 of the proposed ordinance. Council Member Cave asked if those changes could be made this date prior to adoption of the Ordinance. City Attorney Smith advised those were significant changes and would require an amended first reading of the Ordinance this date. He suggested that the City Council adopt the Ordinance as presented and direct the City Attorney to return in the very near future with an amendment to the Ordinance to include the changes requested and with a Council Policy relating to selection, appointment process, general duties and rules of decorum for the Planning Commission.

Council Member Tsunoda expressed support for the City Attorney’s recommendation to adopt the Ordinance as presented this date and to return with an amendment to include the changes recommended by Council Member Cave and with a Council Policy delineating the protocols and best practices of the Planning Commission.

MOTION: On motion by Council Member Ficke, seconded by Council Member Garcia, the City Council adopted Ordinance No. 2008-094 entitled:

ORDINANCE NO. 2008-094. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING ARTICLES 1 AND 1.5 OF DIVISION 9 OF CHAPTER 7 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE AS ADOPTED BY THE CITY OF ALISO VIEJO TO ESTABLISH AND AUTHORIZE A PLANNING COMMISSION AND AUTHORIZING AND ORDERING PLANNING COMMISSIONERS TO PARTICPATE IN DECISIONS OF THE DEVELOPMENT REVIEW COMMITTEE AS NON-VOTING MEMBERS.

Roll Call Vote:

AYES: COUNCIL MEMBERS: PHILLIPS, GARCIA, CAVE, FICKE AND
TSUNODA

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MOTION UNANIMOUSLY CARRIED. The Mayor declared Ordinance No. 2008-094 duly passed and adopted.

DISCUSSION ITEMS

CITY HALL EXTERIOR IMPROVEMENTS—AUTHORITY TO BID AND TO PROCEED WITH CONCRETE FLATWORK AND HARDSCAPE: City Manager Mark Pulone briefed his staff report dated March 5, 2008, explaining that the City Council had authorized Certificates of Participation (COP's) funds to pay for City Hall improvements, and that the remaining balance after completion of interior improvements and design services for the exterior improvements, was projected to be \$140,000. Mr. Pulone advised Staff was now focusing on the exterior improvements and described the three options contained in the staff report. Mr. Pulone explained that Option 3 was the bare minimum, Option 2 would meet the remaining fund balance of the COP's, and Option 1 far exceeded the fund balance. He used a Power Point presentation to show the design plans for the exterior improvements.

Council Member Cave questioned the cost of the two water features which were shown in Option 1, but noted without a design plan, she could not judge if the estimated cost was reasonable. She also pointed out that based upon the figures given in the staff report, she could not make the math add up. City Manager Pulone advised that a water feature could be included in the improvements, but it would require additional funds which would have to come from the General Fund.

Mayor Pro Tem Garcia stated that if the \$140,000 water feature was used in concert with Option 2, it would reduce the cost of Option 1 by \$69,000; the City Manager responded in the affirmative.

Mayor Phillips pointed out that with that approach, it would mean using General Fund money also. He suggested going with the minimum approach, Option 3, for two to three years, replace the pavers and showcase native and draught tolerant landscaping.

Council Member Ficke questioned when the funds had to be expended and Mayor Pro Tem Garcia asked if the funds could be used for anything else. City Manager Pulone responded that the funds needed to be expended by the end of the Fiscal Year, but that

an extension could be requested, and the funds could only be used for the interior and exterior improvements of City Hall. Council Member Ficke expressed the opinion that it would be prudent to select Option 3 because of Budget constraints.

Council Member Cave stated that she would like to see a cost estimate for repair of the hardscape, installation of a metal canopy over the entry, and landscaping. Although she was not certain about the placement of a water feature, noting she did not want to have to rip it out at a later date, she also wanted to see a price on the construction of a water feature, but only if it did not exceed the \$140,000 cap.

Mayor Phillips asked if anyone in the audience wished to address the City Council on the matter; there was no response, and he closed public comments.

MOTION: On motion by Council Member Garcia, seconded by Council Member Ficke, the City Council directed Staff to return with a cost estimate for exterior improvements to City Hall to include Option 3, landscaping from Option 2, and a metal canopy for over the entry.

Council Member Cave suggested that if there was any money left, that Staff include anything that needs to be done at City Hall, including tweaks to the building itself.

MOTION UNANIMOUSLY CARRIED.

APPOINTMENT OF PLANNING COMMISSIONERS, INCLUDING PROCESS: City Attorney Scott C. Smith briefed the staff report dated March 5, 2008, noting that there were two types of Planning Commissioners, those individually appointed by City Council Members, and two at-large to be appointed by the entire City Council at a meeting.

In response to Mayor Phillips, City Attorney Scott C. Smith advised the process used to select members of the Development Review Committee (DRC) could be used for the selection of the two at-large Planning Commissioners.

Relating to the individual City Council appointments, Council Member Tsunoda recommended that the appointments be publicly announced under the Announcements/Council Comments/Committee Updates section of a City Council meeting or if an appointment was made between meetings, that the appointing Council Member submit it in writing to the City and then announce the appointment at the next City Council meeting.

Council Member Cave reiterated that she would like to see a procedure and policy in place before appointments were made. She believed it was important for potential appointees to know the time commitment required and what their duties and responsibilities would be. Council Member Cave suggested that appointments be made some time in April so a Council Policy could be established. Council Member Ficke stated he agreed, noting that expectations would be clearly defined. Council Member

Tsunoda stated he envisioned the Policy would include protocols and best practices for the Planning Commission.

Mayor Pro Tem Garcia asked when the appointments could be made. City Attorney Scott C. Smith stated the Council could make appointments and have them effective when the Ordinance became effective. Council Member Cave pointed out that appointees would be ex-officio members of the DRC until the Zoning Code became effective which would probably be in July. She stated the intent was to have them sit as ex-officio DRC members to give them an opportunity to become acquainted with the planning and development process and the terminology involved in the discipline.

Council discussion ensued relating to the appointment process of Planning Commissioners, and Mayor Phillips advised that for the original DRC appointments an ad hoc committee was established and they interviewed DRC candidates. City Attorney Smith recalled that the purpose of the committee was to prescreen candidates. Council Member Ficke stated he preferred to do the screening as an entire body, since the Planning Commission, and therefore the appointments, would have a significant impact on the community. Council Member Tsunoda concurred and stated an ad hoc committee approach might limit the City Council's choices. Mayor Pro Tem Garcia recalled going through the process and how painful it was, but he could support an ad hoc committee approach or the screening of the candidates by the entire City Council.

Mayor Phillips asked if anyone in the audience wished to address the City Council on the matter; there was no response, and he closed public comments.

MOTION: On motion by Council Member Ficke, seconded by Council Member Tsunoda, the City Council determined that individual City Council appointments to the Planning Commission would be announced at a public meeting and that selection of the two at-large members would be made at a public meeting by the entire City Council.

City Attorney Scott C. Smith recommended and Council Member Cave requested, that the motion include the provision that appointees would attend DRC meetings as ex-officio members, as spelled out in the Ordinance establishing the Planning Commission.

The maker of the motion and the second accepted the recommendation. MOTION UNANIMOUSLY CARRIED.

COMMUNITY INPUT

Mayor Phillips asked if anyone wished to address the City Council at this time on any matter within the subject jurisdiction of the City Council; there was no response and he closed public comment.

CITY MANAGER'S REPORT

1. City Manager Mark Pulone gave an update on the PALS Program. He stated that during Budget process last year he mentioned the development and implementation of the PALS Program similar to those of other South County cities. Mr. Pulone advised it was originally to be comprised primarily of seniors, however after the first of the year following advertisement of the Program, Lt. Paddock found there were no interested seniors, but others had expressed an interest. Mr. Pulone stated that Lt. Paddock has interviewed six people and believes they will do a good job. City Manager Pulone stated that if the City Council was comfortable with the change in the composition, Staff would advertise to a broader audience.
2. City Manager Pulone reminded the City Council of the March 19th, 5:00 p.m., Budget Workshop.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda

1. Apologized for personally being unable to attend the March 12th United States Postal Service (USPS) scoping meeting, but noted that his representative, Christina Zabat-Fran, read his statements at the meeting.
2. Requested Staff to report back on the process and options for placing a measure on the ballot, pointing out he wanted the City Council to understand available options as the City moves forward with possible actions relating to the USPS facility. City Attorney Scott C. Smith advised that in accordance with Council Policy, it would be appropriate to make his request by motion.

MOTION: On motion by Council Member Tsunoda, seconded by Council Member Ficke, Staff was directed to report to the City Council on the process and available options to the City Council relating to placing a measure on the ballot either in June or November as an advisory election (non-binding), along with the deadlines for doing so.

Council Member Cave requested the report include the timing ramifications of such an election, noting that with the distribution of the amended environmental statement, a November election would be too late.

MOTION UNANIMOUSLY CARRIED.

Cave

1. Questioned when it would be appropriate to discuss the PALS program, in particular, why was it originally open to seniors and now to all ages without

informing the City Council, what will the uniforms look like, and stated she was a little uncomfortable with participants of the Program being other than seniors.

City Manager Pulone stated they would return at the next meeting with an update on the PALS Program, the role and responsibilities of a PALS member, and selection of a uniform.

MOTION: On motion by Council Member Cave, seconded by Council Member Phillips, Staff was directed to give an update on the PALS program at the next meeting. MOTION UNANIMOUSLY CARRIED.

2. Advised she met with the Director of Police Services and the City Manager at the request of The Islands Homeowners Association relating to illegal parking on private streets, the ability of the City to provide law enforcement on private streets, and the establishment of a Neighborhood Watch Program; and pointed out if the City were to adopt an ordinance to provide such service, there would be Budget implications.
3. Attended opening day festivities of Aliso Viejo Little League.
4. Attended recent ad hoc Committee meeting on USPS.
5. Attended the last DRC meeting held, hoping to see potential Planning Commissioners in action.
6. Attended the recent public hearing on the proposed USPS facility.
7. Attended an ad hoc Committee meeting on Affordable Housing last week.
8. Attended the Golf Committee meeting this date; Tournament to be held July 11th.
9. Attended the recent League Executive Board meeting, at which Leslie Keen of Laguna Woods advised that the County was making organizational changes (parks, library system and animal shelter to be under the umbrella of Orange County Community Services) and had not informed their contract cities who were their funding partners.

Ficke

1. Attended opening day festivities of Aliso Viejo Little League.
2. Attended, along with Council Member Tsunoda, the initial planning meeting of the Committee working to host a Baseball Tournament in the Summer and which might be covered by ESPN.
3. Attended the USPS scoping meeting and suggested an alternate site for their facility which they have viewed; also suggested that USPS be requested to be more forthcoming with alternatives to what they have proposed in Aliso Viejo.
4. Visited, along with Mayor Phillips, Oak Glen Elementary School as a Reader for a Reading Program, noting he read in the Third Grade classroom.

Garcia

1. Attended opening day festivities of Aliso Viejo Little League.

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2. Attended the USPS scoping meeting which had a great turn-out of at least 200 persons.
3. Attended, along with City Attorney Scott C. Smith, a Boy Scouts of America event at which former 49'ers quarterback Steve Young was the speaker and related the story of how he overcame being vertically challenged when throwing to receiver Jerry Rice, emphasizing the need for ingenuity and resourcefulness; and expressed the opinion that his colleagues exercised the same attributes when facing challenging situations, such as the USPS project.

Phillips

1. Reminded everyone that the Chamber was holding an Economic Outlook Conference on March 20th, at 7:15 a.m., at the Edwards Theatre, and advised flyers were on the table in the back of the Council Chambers.
2. Expressed appreciation to his colleagues and the public for speaking at the USPS scoping meeting; emphasized the impact that the proposed mail distribution facility would have on the community; and advised the City would keep everyone informed.
3. MOTION: On motion by Council Member Phillips, seconded by Council Member Ficke, Staff was directed to report back to City Council on possible truck routes and their impacts throughout the entire City, so the City Council can begin to deliberate the matter community-wide. MOTION UNANIMOUSLY CARRIED.

ADJOURNMENT: The Mayor declared the meeting adjourned at 8:32 p.m., to March 19, 2008, 5:00 p.m., to conduct a Budget Workshop, with the regular meeting to commence at 7:00 p.m.

Respectfully submitted,

Approved by

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

WILLIAM A. PHILLIPS
MAYOR