

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
JUNE 18, 2008, 6:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

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

ROLL CALL:

PRESENT: COUNCIL MEMBERS: DONALD A. GARCIA
CARMEN CAVE
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: WILLIAM A. PHILLIPS
GREG A. FICKE

The Clerk noted that advance notice was received from the absent members.

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

PUBLIC COMMENT: None

CLOSED SESSION: The City Council convened Closed Session at 6:00 p.m., to consider the following matters:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION/POTENTIAL INITIATION OF LITIGATION, ONE POTENTIAL CASE, PURSUANT TO GOVERNMENT CODE SECTION 54956.9(B); ADVERSE: CLUBCORP, GLENWOOD AT ALISO VIEJO DEVELOPMENT AGREEMENT PUBLIC/PRIVATE GOLF DISPUTE
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 – PURSUANT TO GOVERNMENT CODE SECTION 54957, TITLE: CITY MANAGER
4. CONFERENCE WITH LABOR NEGOTIATORS – PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVE: MAYOR, UNREPRESENTED EMPLOYEE: CITY MANAGER

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MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED, TO MAKE AN OFFER OF AMENDMENT TO THE CITY MANAGER AGREEMENT INCLUDING A TERM EXTENSION TO THE AGREEMENT.

MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSENT.

MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM GARCIA SECONDED, TO ADD THE FOLLOWING ITEM TO CLOSED SESSION:

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE SECTION 54956.8, PROPERTY: 28095 HILLCREST, MISSION VIEJO, CALIFORNIA 92691, AGENCY NEGOTIATOR: CITY MANAGER, PUBLIC WORKS DIRECTOR, CITY ATTORNEY; NEGOTIATING PARTIES: CITY OF MISSION VIEJO; UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT

MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSENT.

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

PRESENT: COUNCIL MEMBERS: DONALD A. GARCIA
CARMEN CAVE
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: WILLIAM A. PHILLIPS
GREG A. FICKE

STAFF PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
SUSAN A. RAMOS, CITY CLERK
GLENN YASUI, DIRECTOR OF ADMINISTRATIVE SERVICES
GINA THARANI, DIRECTOR OF FINANCIAL SERVICES/
CITY TREASURER
GENIA GARCIA, DIRECTOR OF PLANNING SERVICES
HELEN WILSON, DIRECTOR OF COMMUNITY SERVICES
STEVE RHYNER, EMERGENCY COORDINATOR

PLEDGE OF ALLEGIANCE TO THE FLAG: Duane Cave, Public Affairs Manager, SDG&E and the Gas Company, led the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION: City Attorney Smith stated there was no reportable action except as stated above regarding items 3 and 4.

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SPECIAL PRESENTATIONS

1. SUMMER OUTLOOK 2008

Duane D. Cave, Public Affairs Manager, SDG&E and the Gas Company, gave a presentation highlighting power resources, energy conservation, system improvements, and rising peak summer electrical demand. He responded to questions regarding electrical emergencies and customer assistance programs.

2. COUNCIL RECOGNITION AND PRESENTATION OF CERTIFICATES TO CITIZEN EMERGENCY PREPAREDNESS ACADEMY (CEPA) PARTICIPANTS FOR SUCCESSFULLY COMPLETING THE CITY'S THIRD ANNUAL ACADEMY

Steve Rhyner, Emergency Coordinator, Orange County Sheriff's Department, gave an overview about the program. Mayor Pro Tem Garcia recognized the individuals and presented the certificates to Mary Beth Beach; Martha C. Cesti; Vivian DeLeon; Marcelle Fortier; Brenda Hardiman; Martha Inga; Laurie Johnson; Scott Keach; Virginia Keach; Kriss Larson; Randy McDermott; Debra Melikian; Kyle Morgan; Paul Phan; Robert L. Richards; Karen E. Sasso; Seema S. Shah; Mumtaz Soleman; Rebekah Van Westerhuyzen; Randall Woodworth; and Mahy Zarinsefat.

ADDITIONS, DELETIONS, AND REORDERING OF THE AGENDA

None

CONSENT CALENDAR

Mayor Pro Tem Garcia asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. Councilmember Cave requested that Agenda Item No. 4, June 4, 2008 Minutes, be removed for comment. Councilmember Tsunoda requested that Agenda Item No. 13, Amendment One to the Cooperation Agreement between the County of Orange and City of Aliso Viejo, be removed for discussion. Staff requested that Agenda Item No. 6, Resolutions for the 2008 November election, for comment. No member of the public requested that an item be removed for discussion.

MOTION: ON MOTION BY COUNCILMEMBER TSUNODA AND SECONDED BY COUNCILMEMBER CAVE, THE CITY COUNCIL TOOK THE FOLLOWING ACTIONS ON THE FOLLOWING CONSENT CALENDAR ITEMS:

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3. 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.

5. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued May 29, 2008 in the amount of \$319,700.49 and Accounts Payable checks issued June 5, 2008 in the amount of \$164,139.86.

7. ADOPTION OF A COMPREHENSIVE UPDATE TO THE ZONING ORDINANCE OF THE ALISO VIEJO MUNICIPAL CODE

Adopted Ordinance No. 2008-096 entitled as follows:

ORDINANCE NO. 2008-096, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, ADOPTING A REVISED AND UPDATED ZONING CODE TO BE SET FORTH IN TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE

8. AWARD OF CONTRACT FOR LANDSCAPING AT CITY HALL

Awarded a contract in the amount of \$59,069.56 to Penn Woods Corporation as the lowest responsible bidder for the landscaping at City Hall; authorized the City Manager to execute a contract with Penn Woods Corporation; and , authorized City staff to make total compensation to Penn Woods Corporation up to \$64,977.00 (10% above the contract amount) to allow for contingencies.

9. THIRD AMENDMENT TO AGREEMENT WITH APA ENGINEERING FOR ENGINEERING SERVICES FOR ROADWAY PROJECTS

Approved a Third Amendment to the Agreement with APA Engineering, Inc. to provide engineering services for four roadway projects including Pacific Park at Wood Canyon intersection, Aliso Creek at Pacific Park intersection, Aliso Viejo Parkway median (Grand to Enterprise) and Aliso Viejo Parkway median (Pacific Park to Grand); and, authorized the City Manager to execute the Third Amendment to the Agreement in an amount not to exceed \$244,000 for a total contract amount of \$745,000.

10. CONTRACT AMENDMENT WITH P.V. MAINTENANCE (PVM) STREET MAINTENANCE SERVICES

Authorized the City Manager to execute the Second Amendment to the contract with P.V. Maintenance for street maintenance services to extend the terms of this

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agreement by one month and to increase the total compensation by \$59,000 for a total of \$608,849.86.

11. SECOND AMENDMENT TO AGREEMENT WITH KT COMMUNITY RELATIONS FOR PROFESSIONAL COMMUNITY RELATIONS SERVICES

Authorized the City Manager to execute the Second Amendment to Agreement for Professional Community Relations Services with KT Community Relations for an amount not to exceed \$90,000.

12. PUBLIC OUTREACH ON ANTICIPATED ENVIRONMENTAL IMPACT STUDY FOR THE PROPOSED UNITED STATES POSTAL SERVICES MAIL DISTRIBUTION CENTER IN ALISO VIEJO

Directed staff to commence public outreach efforts, including direct mail pieces and auto voice messages, during the upcoming public review period for the Environmental Impact Study (EIS) for the proposed USPS mail distribution center in Aliso Viejo.

MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSENT, FOR CONSENT CALENDAR ITEMS 3, 5, AND 7 THROUGH 12.

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

4. MINUTES—REGULAR MEETINGS OF JUNE 4, 2008

Councilmember Cave removed this item from the consent calendar for clarification.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO APPROVE THE MINUTES OF JUNE 4, 2008 AMENDED TO INCLUDE VERBIAGE ON PAGE 3, FIRST PARAGRAPH, FIFTH LINE, TO READ, "...ADD MORE TRAFFIC THAT THE "SIX PERCENT GRADE LEADING TO" THE MAIN TOLL PLAZA IS NOT DESIGNED..."

MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSENT.

6. RESOLUTIONS FOR THE 2008 GENERAL MUNICIPAL ELECTION

City Clerk Ramos requested this item be removed from the consent calendar. She reported that new information was received from the County reflecting a change to the cost of the candidate statement under Resolution No. 2008-018 from \$1200 to \$1577.

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MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO ADOPT THE FOLLOWING RESOLUTIONS:

RESOLUTION NO. 2008-016, 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 4, 2008, 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. 2008-017, 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 OTHER ELECTIONS TO BE HELD ON TUESDAY, NOVEMBER 4, 2008 AND TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF THE ELECTION.

RESOLUTION NO. 2008-018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008 AND TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF THE ELECTION.

MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSENT.

13. **AMENDMENT ONE TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF ORANGE AND CITY OF ALISO VIEJO**

Councilmember Tsunoda removed this item from the consent calendar. Discussion ensued regarding the process if the City were to exceed the 50,000 population threshold during the 3-year period of the subject agreement, timing of the submittal of the agreement, and the State Bureau of Census and State Department of Finance as sources for population numbers.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER CAVE SECONDED TO AUTHORIZE THE MAYOR TO SIGN AMENDMENT ONE TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF ALISO VIEJO TO PARTICIPATE IN THE URBAN COUNTY PROGRAM FOR AN ADDITIONAL THREE (3) YEARS.

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MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSENT.

DISCUSSION ITEMS

DISCUSSION ITEM NOS. 14 THROUGH 15

14. **MEASURE M ELIGIBILITY – 7-YEAR CIP**

City Manager Mark Pulone noted Mr. Whitman is not present this evening and briefed the staff report dated June 18, 2008.

Councilmember Cave expressed a continuing concern about the substandard roadways constructed before incorporation due to lack of adequate inspections by the County at that time, that have cost the City monies to repair and maintain, including the rehabilitation work in the Laurelmont community. She asked staff to document the failing roadways and submit the repair costs to the County for some restitution for its failure to construct roadways adequately and up to standards.

Mayor Pro Tem Garcia asked if anyone wished to address the City Council on this matter. Hearing no response, Mayor Pro Tem Garcia closed public comments

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO ADOPT A 7-YEAR CAPITAL IMPROVEMENTS PROGRAMS (CIP) FOR STREET PROJECTS; TO ADOPT A RESOLUTION ENTITLED BELOW; AND, TO APPROVE THE PAVEMENT MANAGEMENT PLAN UPDATE:

RESOLUTION NO. 2008-019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF ALISO VIEJO

MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSENT.

15. **PUBLIC/PRIVATE PARTNERSHIP PROGRAM ADJUNCT TO THE SR73 CORRIDOR ENHANCEMENT PLAN**

Councilmember Cave suggested continuing the item because Mayor Phillips, who participated in the ad hoc committee regarding this matter, is not present this evening.

Mayor Pro Tem Garcia asked if anyone wished to address the City Council on this matter. Hearing no response, Mayor Pro Tem Garcia closed public comments

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MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO CONTINUE AGENDA ITEM NO. 15 TO THE NEXT REGULARLY SCHEDULED COUNCIL MEETING. MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSENT.

COMMUNITY INPUT

Mayor Pro Tem Garcia asked if anyone wished to address the City Council on any matter within the subject matter jurisdiction of the City Council.

- 1) Susan Hinman, Board of Directors, Municipal Water District of Orange County (MWDOC), thanked the City for participating in the Water Supply Conference on January 18, 2008 and noted the City was awarded a check for \$6,591.00 for its water conservation efforts. In addition, the City will also receive another reimbursement check for its participation in the Smart timer Edgescape Evaluation Program in the amount of approximately \$22,000.

She reported that at the last MWDOC meeting, a water alert and conservation resolution was approved and provided a copy to staff. She also reported that MWDOC is encouraging students to participate in their educational programs and announced that a student from Wood Canyon Elementary School recently received a certificate for the third grade water slogan contest. She thanked the City for its donation to their summer workshops and reported that two students from Aliso Viejo are participating. She offered that MWDOC would be happy to give a water presentation at any time, if there is a need by the City.

Hearing no further response, Mayor Pro Tem Garcia closed public comments.

CITY MANAGER'S REPORT

City Manager Pulone reported that the annual slurry program is on schedule and underway. Completion is expected by end of June. He stated, as referenced in agenda item 12, the EIS is anticipated to be released at any time by the United States Postal Service (USPS) and staff is prepared to conduct a thorough review and encouraged the public to participate by providing their comments to the USPS as well.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda:

- Reported that the adoption of Zoning Ordinance tonight establishes a 30-day period for the Planning Commission to be effective on July 18. He announced the presence of Planning Commissioners Hiller, Gantman and Chun are present in the audience this evening.

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Cave:

- Announced that the Aliso Viejo Community Golf Tournament will be held on July 11, 2008 and noted there are still openings for foursomes or sponsorships.
- Attended a TCA Board Meeting and reported the budget was not passed pending an item from Supervisor Campbell. A special meeting will be scheduled before the end of June for adoption of the budget.
- Attended the Aliso Commons Ad Hoc meeting and reported that Trader Joes will not be opening as scheduled due to some issues regarding the refinancing of their construction loan and provisions in the Development Agreement.

Garcia:

- Attended the quarterly ad hoc AVCA meeting on June 3 and provided an update on restrooms and status of the Aliso Viejo Grand Prix event in July.

ADJOURNMENT: The Mayor Pro Tem adjourned the regular meeting at 8:05 p.m. to July 2, 2008 at 7:00 p.m. in the Council Chambers at City Hall.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS, CMC
CITY CLERK

DONALD A. GARCIA
MAYOR PRO TEM