

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
JULY 2, 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:

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

ABSENT: COUNCIL MEMBERS: NONE

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

PUBLIC COMMENT: There was no public comment.

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)

AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:00 p.m., welcomed the public to the meeting, and requested the City Clerk to call the roll.

JULY 2, 2008

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

ABSENT: COUNCIL MEMBERS: NONE

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
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIR.
HELEN WILSON, DIRECTOR OF COMMUNITY SERVICES
LT. RICH PADDOCK, DIRECTOR OF POLICE SERVICES
TED HALSEY, BUILDING OFFICIAL

PLEDGE OF ALLEGIANCE TO THE FLAG: Lt. Rich Paddock led the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION: City Attorney Smith stated there was no reportable action taken at this time.

SPECIAL PRESENTATIONS

1. COUNCIL RECOGNITION AND PRESENTATION OF CERTIFICATE OF RECOGNITION TO RETIRING PRINCIPAL MARGIE LUNDER FOR HER OUTSTANDING SEVEN YEARS OF SERVICE TO OAK GROVE ELEMENTARY SCHOOL

Mayor Phillips recognized Ms. Lunder for her outstanding service to Oak Grove Elementary and presented her with a Certificate of Recognition. Councilmember Ficke and Lt. Rich Paddock expressed words of appreciation for her strong leadership, hard work, and compassionate nature. Ms. Lunder expressed thanks and appreciation.

ADDITIONS, DELETIONS, AND REORDERING OF THE AGENDA

None

CONSENT CALENDAR

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. Councilmember Cave requested to remove Agenda

JULY 2, 2008

Item No. 10, Lot Line Adjustment No. LL08-01 for Tract No. 14424, Tamiya America, Inc. for discussion. No member of the public requested that an item be removed for discussion. Mayor Phillips noted that Councilmember Ficke and he will be abstaining from the approval of the minutes under Item No. 3 because they were absent at that meeting.

MOTION: ON MOTION BY MAYOR PRO TEM GARCIA AND SECONDED BY COUNCILMEMBER CAVE, THE CITY COUNCIL TOOK THE FOLLOWING ACTIONS ON THE FOLLOWING CONSENT CALENDAR ITEMS:

2. 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.

3. MINUTES—REGULAR MEETINGS OF JUNE 18, 2008

Approved the minutes as submitted. Mayor Phillips and Councilmember Ficke abstained.

4. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued June 12, 2008 in the amount of \$114,828.45 and checks issued June 19, 2008 in the amount of \$326,911.24.

5. TREASURER'S STATEMENT – MAY 31, 2008

Approved the May 2008 Treasurer's Statement.

6. INVESTMENT POLICY

Adopted the following Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING THE INVESTMENT POLICY FOR FISCAL YEAR 2008-09 AND RESCIND RESOLUTION NO. 2008-05 IN ITS ENTIRETY.

JULY 2, 2008

7. APPROPRIATIONS LIMIT – FISCAL YEAR 2008-09

Adopted the following Resolution entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO SETTING THE PROPOSITION 4 (GANN) APPROPRIATIONS LIMIT FOR FISCAL YEAR 2008-09 FOR THE CITY OF ALISO VIEJO AT \$14,985,870.

8. AWARD OF CONTRACT TO PV MAINTENANCE (PVM) FOR STREET MAINTENANCE

Awarded a contract to PV Maintenance (PVM) to perform maintenance of streets and storm drains Citywide; authorized the City Manager to execute a Professional Services Agreement with PVM for an amount not to exceed \$787,400; and, authorized a budget amendment from the Gas Tax Unreserved Fund Balance in the amount of \$224,750.

9. THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH CIVIC SOLUTIONS, INC. FOR PLANNING CONSULTANT SERVICES

Approved a Third Amendment to the Professional services Agreement between the City of Aliso Viejo and Civic Solutions, Inc. for Planning Consultant Services.

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

10. LOT LINE ADJUSTMENT NO. LL08-01 FOR TRACT NO. 14424, TAMIYA AMERICA, INC. PROPERTY

John Whitman, Public Works Director, briefed the report dated July 2, 2008.

Councilmember Cave expressed concerns regarding uncertain future development uses in Parcels 2 & 3 and potential parking inadequacy in Parcel 1, after the lot line adjustment. She also commented that the proposed Parcel 2 would be landlocked.

Questions and discussion ensued regarding the review and approval process for future developments on the subject parcels, acreage of each parcel after the adjustment, the subdivision map act requirements and other findings necessary to approve a lot line adjustment, parking adequacy, and ingress and egress.

Councilmember Cave restated her concerns noting that if the lot line adjustment is approved, the City would be in a position of not having the type of development that is

JULY 2, 2008

intended for the property.

City Attorney Smith cited pertinent provisions of the Subdivision Map Act and stated that the Council could consider continuing this matter to another date to allow staff to review it further since there is not enough information at this time about future development uses of the proposed parcels.

Mayor Phillips asked if anyone wished to address the City Council on this matter.

- 1) Bob Bunyan, Robert Bunyan & Associates, provided background for the request noting the contingent sale of the proposed parcel 1 scheduled for an escrow closing on July 7, 2008. He also noted that the reciprocal easement agreement will become part of the record for the lot line adjustment. He responded to questions regarding type of development for the proposed parcels, including building square footage and floor area and parking ratios on parcels 2 and 3 and parking for parcel 1. He responded to questions about the escrow period and timing of this request.

Hearing no further response, Mayor Phillips closed public comments

MOTION: MAYOR PRO TEM GARCIA MOVED AND COUNCILMEMBER FICKE SECONDED TO ADOPT RESOLUTION NO. 2008-021, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT LL08-01 FOR TRACT NO. 14424 TAMIYA AMERICA, INC., PROPERTY, AND DIRECT STAFF TO RECORD PROPER DOCUMENTS WITH THE ORANGE COUNTY RECORDER

MOTION CARRIED 4-1, COUNCILMEMBER CAVE DISSENTED.

DISCUSSION ITEM NOS. 11 THROUGH 13

11. **PUBLIC/PRIVATE PARTNERSHIP PROGRAM ADJUNCT TO THE SR73 CORRIDOR ENHANCEMENT PLAN (CONTINUED FROM JUNE 18, 2008)**

John Whitman, Director of Public Works, briefed the staff report dated July 2, 2008. He noted a correction to the date referenced in the subject line of the report from July to June.

Concerns and suggestions were made regarding the role of Caltrans in the review process, establishing an MOU with Caltrans for this program, and establishing criteria for the number and size of potential signs in order to maintain aesthetics.

Councilmember Cave noted to include the Planning Commission in the review process described in Step 5. She also noted typographical corrections to be made throughout the Enhancement Plan document.

JULY 2, 2008

Director Whitman noted that the suggestion to establish an MOU with Caltrans is worthwhile pursuing.

Discussion ensued regarding communication with Caltrans, and the criteria, size and number of tenant signs.

Mayor Phillips asked if anyone wished to address the City Council on this matter.

- 1) Bob Bunyan, Robert Bunyan & Associates, expressed support of the program, he commented about the size of the monument sign in the Summit Phase 1 development and noted the importance of establishing size criteria. He suggested putting landscaping around the signs and coordinating this program with the City's overall branding and marketing program.

Hearing no further response, Mayor Phillips closed public comments.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO: 1) APPROVE THE PUBLIC/PRIVATE PARTNERSHIP PROGRAM AND ENHANCEMENT PLAN AS AMENDED TO CORRECT, "TENANT" INSTEAD OF "TENET" THROUGHOUT THE DOCUMENT, "SR73" INSTEAD OF "AR73" UNDER STANDARDS FOR PROJECTS ON PAGE 11-7, ADD THE VERBIAGE "TO THE PLANNING COMMISSION" TO STEP 5 OF THE PROCESSES LISTED ON PAGE 11-6 SO IT READS "THE PROJECT WILL BE PRESENTED TO THE PLANNING COMMISSION AND CITY COUNCIL FOR APPROVAL OF SCOPE AND LOCATION."; 2) DIRECT STAFF TO BRING BACK A SITING RECOMMENDATION FOR THE SIGNS, WORK WITH COUNCILMEMBER TSUNODA TO DEVELOP A PROCEDURAL PLAN WITH CALTRANS, AND ADD CLARIFYING LANGUAGE TO ITEM 1 UNDER RULES ON PAGE 11-4 REGARDING THE MAXIMUM NUMBER OF SIGNS TO BE PERMITTED.

MOTION UNANIMOUSLY CARRIED.

12. THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH AMIES COMMUNICATIONS FOR MARKETING SERVICES

City Manager Mark Pulone briefed the staff report dated July 2, 2008 and noted a suggestion made by Councilmember Cave to amend the contract provisions under Section 3.1 to add the following: "All work shall be authorized prior to the commencement of work." He noted that Jessica Spaulding of Amies Communications is in the audience to answer any questions.

Questions and discussion ensued regarding development steps in the process and Council involvement, website section for economic development, special event milestones, ad campaigns, newsletter design and templates, and content ownership. Concerns were expressed regarding the uncertainty of final total costs for the entire marketing and branding project.

JULY 2, 2008

Councilmember Tsunoda suggested including information in the upcoming RFP for website services regarding the economic development section for the website.

Jessica Spaulding, Amies Communications, provided comments and responded to questions and clarification about the process and the work plan.

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

MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER TSUNODA SECONDED FOR DISCUSSION TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH AMIES COMMUNICATIONS FOR MARKETING SERVICES, RELATING TO THE COMMUNICATIONS AUDIT/BRAND STRATEGY DEVELOPMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$71,250 FOR FISCAL YEAR 2008-09.

AMENDED MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO AMEND THE MOTION TO INCLUDE ADDING LANGUAGE IN SECTION 3.1 OF THE AGREEMENT TO READ, " ALL WORK ITEMS SHALL BE AUTHORIZED BY THE CITY MANAGER PRIOR TO THEIR COMMENCEMENT." MOTION UNANIMOUSLY CARRIED.

Councilmember Cave suggested placing this item on the agenda at the next quarterly goal-setting meeting and to include in the discussion the idea of establishing a sister city program with the involvement of Soka University in this effort.

13. OPTIONS FOR HANDLING/DISPOSAL OF ILLEGAL SIGNS

John Whitman, Director of Public Works, briefed the staff report dated July 2, 2008.

Questions and discussion ensued regarding the number of repeat offenders and ways to cost effectively identify and police them.

Mayor Phillips asked if anyone wished to address the City Council on this matter.

- 1) Nancy Conley expressed her objection to illegal signs and suggested the signs should be disposed of someplace else not in the dumpster and that the owners of the sign should be fined.

Hearing no further response, Mayor Phillips closed public comments.

JULY 2, 2008

MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM GARCIA SECONDED TO APPROVE OPTION B, TO AMEND THE SIGN ORDINANCE TO REQUIRE CODE ENFORCEMENT TO RETAIN THE ILEGAL SIGNS FOR THREE DAYS AFTER WHICH THE SIGNS WOULD BE DISPOSED OF AT ANOTHER LOCATION, NOT THE DUMPSTER. IF THE OWNER WISHES TO RETRIEVE THEIR SIGN THEY WOULD BE REQUIRED TO PAY A FEE EQUAL TO THE COST OF RETRIEVING THE SIGN AND ADMINISTERING THE PROGRAM. THE FEE WOULD SERVE AS A DETERRENT TO REPLACING THE ILLEGAL SIGN.

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.

- 1) Omar Mazry, resident, commented about the illegal parking citations that were issued to several residents in the Vista Plaza neighborhood on June 20, 2008 and requested Council to rescind the citations. He explained that the residents were asked by Merit Property Management to park their vehicles outside the community on the public street on a street-sweeping day due to a slurry seal project that was scheduled by the property manager. He said Merit did not obtain the necessary encroachment permit nor did it notify the City in advance.

Mr. Mazry also commented about amending the street sweeping schedule to a different day besides Friday since City Hall is closed on alternating Fridays. He suggested the Council appoint an advisory committee to evaluate possible Joint Powers Authority policing with Laguna Niguel, Laguna Woods and Laguna Hills. He also expressed support of Councilmember Cave's comments about a consideration to establish a sister city.

Hearing no further response, Mayor Phillips closed public comments.

CITY MANAGER'S REPORT

City Manager Pulone commented that the City is aware of the situation referred to by Mr. Mazry and he has been in contact with Merit, who failed to notify the City and obtain the necessary parking permit. He also contacted the Sheriff's Department and confirmed that the citations are legitimate because the vehicles were illegally parked during a street sweeping day.

Mr. Pulone announced that the Renaissance Hotel is scheduled to open on Saturday, July 5, 2008. He introduced the City's new Building Official, Ted Halsey, who is present this evening noting he replaced John Van Steinburg, who has retired. Finally, reminded

JULY 2, 2008

the Mayor to adjourn this evening's meeting to 4:00 pm on July 16, 2008 for an AB 1234 Ethics Training in the Council Chambers for public officials and designated staff.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda:

- No report at this time.

Councilmember Tsunoda asked why the Ethics Training is scheduled as a public meeting. City Attorney Smith clarified that although it is not legally required, it is good practice to keep the public informed of good government practices and it would allow for more flexibility to ask and respond to questions that can be related to real life City business.

Cave:

- No report at this time.

Ficke:

- Congratulated staff for doing a good job with the City newsletter.
- Attended a good event at the Aliso Niguel High School graduation.

Garcia:

- Commended staff on the City newsletter but was surprised to not see the USPS article on the front page since it is the City's biggest issue at the present time. He also commented about utilizing AVCA's newsletter for articles regarding the USPS matter.
- Wished everyone a safe 4th of July and hoped to see everyone at the celebration.

Phillips:

- Wished everyone a happy 4th of July and invited the public to attend the celebration.
- Invited everyone for cake and coffee in the lobby to celebrate the City's 7th anniversary.

ADJOURNMENT: The Mayor adjourned the meeting at 9:20 p.m. to July 16, 2008 at 4:00 p.m. in the Council Chambers at City Hall for an AB 1234 Ethics Training session.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

WILLIAM A. PHILLIPS
MAYOR