

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
JULY 16, 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, THREE POTENTIAL CASES, PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C)
3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY: PHASE III OF THE COMMONS AT ALISO TOWN CENTER PROJECT; AGENCY NEGOTIATOR: CITY MANAGER AND CITY ATTORNEY; NEGOTIATING PARTIES: ALISO COMMONS AT TOWN CENTER, LLC; UNDER NEGOTIATION: TERMS OF PAYMENT

AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:10 p.m., welcomed the public to the meeting, and requested the City Clerk to call the roll.

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PRESENT: COUNCIL MEMBERS: WILLIAM A. PHILLIPS
DONALD A. GARCIA
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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

PLEDGE OF ALLEGIANCE TO THE FLAG: Hunter Cane, AVLL AAA Rockies player, 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. INTRODUCTION OF NEW ORANGE COUNTY SHERIFF, SANDRA HUTCHENS

Mayor Phillips introduced and welcomed the new Orange County Sheriff, Sandra Hutchens. Ms. Hutchens expressed thanks and appreciation for the City's support of the Orange County Sheriff's Department law enforcement services and would like to continue to provide excellent service to the City. She advised that she has been spending the last few weeks visiting the cities in the area and commended the City of Aliso Viejo for its beautiful and safe community.

2. RECOGNITION AND PRESENTATION TO JIM WISNIEWSKI FOR HIS GENEROUS DONATION OF FOUR BICYCLES TO POLICE SERVICES FOR PATROL PURPOSES – Present Certificate of Appreciation by Lt. Rich Paddock, Chief of Police Services

Lt. Rich Paddock introduced and thanked Jim Wisniewski and provided background about his generous donation to the Orange County Sheriff's Department and displayed one of the donated bicycles. Mayor Phillips expressed thanks and appreciation for the generous donation. Mr. Wisniewski commented

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on the importance of public safety and would like to contribute to it in any way he can.

3. RECOGNITION AND PRESENTATION TO PRINCIPAL DENNIE SAMUELS FOR HER OUTSTANDING SIX YEARS OF SERVICE TO DON JUAN AVILA ELEMENTARY SCHOOL

Mayor Phillips noted Dennie Samuels was not present at the meeting.

4. RECOGNITION AND PRESENTATION TO THE 2008 ALISO VIEJO LITTLE LEAGUE AAA ROCKIES FOR WINNING THE DISTRICT 55 TOURNAMENT OF CHAMPIONS

Mayor Phillips presented certificates of recognition to the AAA Rockies Team, Pete Cochran, Manager, Bryan Baird and Collin Bowman, Coaches, Ryan Trottier, Christina Bowcutt, Wyatt Stewart, Zachary Bowman, Dylan Baird, Hunter Cane, David Lockhart, Cameron Akhavan (absent), Jackson Westfall, Callan Cochran, Gavin Anderson, and Grant Morel, Players.

Mr. Cochran provided some background about the team and their success and thanked the City for its support.

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 Tsunoda requested to remove Agenda Item No. 8, Information Technology Services Request for Qualifications, for discussion. No member of the public requested that an item be removed for discussion.

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

5. 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.

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6. MINUTES—REGULAR MEETINGS OF JULY 2, 2008

Approved the minutes as submitted.

7. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued June 26, 2008 in the amount of \$236,737.94 and Accounts Payable checks issued July 3, 2008 in the amount of \$576,617.62.

9. RESPONSE TO THE ORANGE COUNTY GRAND JURY REPORT

Authorized the Mayor to sign the response letter, on behalf of the City Council, to the Orange County Grand Jury Report on “No County for Old Boomers – When Orange County Baby Boomers Retire, Where Will They Live?” and submit it to the Presiding Judge of the Superior Court of Orange County by the statutory deadline of July 31, 2008.

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

8. INFORMATION TECHNOLOGY SERVICES REQUEST FOR QUALIFICATIONS

Councilmember Tsunoda removed this item from the consent calendar to suggest changing the submittal deadline date on the RFQ to align with the submittal deadline date of the RFQ for website services, to allow vendors who are able to provide both types of services to submit one document. This might provide the City with a break in rates.

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

Hearing no further response, Mayor Phillips closed public comments

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE THE REQUEST FOR QUALIFICATIONS (RFQ) FOR INFORMATION TECHNOLOGY SERVICES AS AMENDED TO REFLECT A SUBMITTAL DEADLINE DATE TO ALIGN WITH THE SUBMITTAL DEADLINE FOR THE RFQ FOR WEBSITE SERVICES; AND TO AUTHORIZE STAFF TO SOLICIT AND RECEIVE PROPOSALS FOR INFORMATION TECHNOLOGY SERVICES.

MOTION UNANIMOUSLY CARRIED.

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PUBLIC HEARING NO. 10

10. ZONING CODE AMENDMENTS CONCERNING RESIDENTIAL DENSITY BONUS FOR AFFORDABLE HOUSING, LIMITATION ON THE SQUARE FOOTAGE OF SINGLE STORY STRUCTURES AND THE APPEALS PROCESS FOR DECISIONS UNDER THE ZONING CODE

City Attorney Scott Smith briefed the staff report dated July 16, 2008.

Questions and clarification ensued regarding the appeal process and the density bonus.

City Attorney Smith suggested continuing the public hearing and bringing back the proposed ordinance for introduction on August 6, with amendments to distinguish the process under Section 15.120.040, to appeal a Planning Commission action by the applicant or another party, or by a City Councilmember. The amendments would also include language to clarify that the Planning Commission agenda items would be scheduled for Council ratification on the consent calendar after the expiration of the 15-day appeal period for applicants and other parties. The Council also unanimously voted to allow a Councilmember to pull a Planning Commission item that is on the consent calendar for ratification and has not been appealed by the applicant or another party, in order to appeal and schedule it for public hearing at the next available City Council meeting.

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

MOTION: MAYOR PHILLIPS MOVED AND COUNCILMEMBER CAVE SECONDED TO CONTINUE THE PUBLIC HEARING TO AUGUST 6, 2008, FOR INTRODUCTION OF THE PROPOSED ORDINANCE. MOTION UNANIMOUSLY CARRIED.

DISCUSSION ITEMS NO. 11 TO 15

11. TOWNSEND PUBLIC AFFAIRS AGREEMENT

Glenn Yasui, Director of Administrative Services, briefed the staff report dated July 16, 2008 and introduced Townsend representatives present in the audience, Sean Fitzgerald, Director of Southern California, Christopher Townsend, President, and, Jessica O'Hare, Senior Associate.

Sean Fitzgerald reported on the year-end activity summary as outlined in the attachment to the staff report.

Council expressed thanks and appreciation for the work put forth by Townsend regarding the USPS matter.

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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 CAVE SECONDED TO APPROVE A ONE YEAR AGREEMENT BETWEEN TOWNSEND PUBLIC AFFAIRS AND THE CITY OF ALISO VIEJO AND AUTHORIZE THE CITY MANAGER TO ENTER INTO SAID AGREEMENT. MOTION UNANIMOUSLY CARRIED.

12. SADDLEBACK COLLEGE VETERANS MEMORIAL REQUEST FOR FUNDING

Mayor Pro Tem Garcia presented the request.

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

- 1) Harry Parmer, Saddleback College, noted he is available to answer any questions about the request.
- 2) Vince Marchiatelli, resident, commented that the memorial should recognize all veterans and not leave anyone out.

Mr. Parmer responded to questions about the construction schedule and noted that the memorial is intended to recognize all veterans.

Hearing no further response, Mayor Phillips closed public comments.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE THE DONATION REQUEST BY THE SADDLEBACK COLLEGE FOUNDATION FOR THE CONSTRUCTION OF A SADDLEBACK COLLEGE VETERANS MEMORIAL IN THE TOTAL AMOUNT OF \$5,000.00 TO BE PAID IN TWO FISCAL YEARS---\$1,000 IN FISCAL YEAR 2008-09 AND \$4,000 IN FISCAL YEAR 2009-010. MOTION UNANIMOUSLY CARRIED.

13. ADVERTISE FOR BIDS – ALISO CREEK ROAD REHABILITATION PROJECT FROM EL TORO ROAD TO EASTWING

John Whitman, Director of Public Works and Engineering, briefed the staff report dated July 16, 2008.

Discussion ensued to ensure timely notification to the public, impacted agencies and neighborhoods.

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

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MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO APPROVE CONTRACT DOCUMENTS, SPECIFICATIONS, AND PLANS FOR THE ALISO CREEK REHABILITATION PROJECT FROM EL TORO ROAD TO EASTWING AND AUTHORIZE STAFF TO ADVERTISE, EVALUATE BIDS, AND RECOMMEND CONTRACTOR FOR THE PROJECT. MOTION CARRIED 4-0, COUNCILMEMBER FICKE ABSTAINED.

14. OPTIONS FOR ADDRESSING GREEN BUILDING ORDINANCE

John Whitman, Director of Public Works and Engineering, briefed the staff report dated July 16, 2008 and responded to questions.

Discussion ensued regarding the Building Code update slated in year 2010 and the establishment of incentives for applying green building practices to residential and commercial building improvements.

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

- 1) Bryan Starr, Building Industry Association/Orange County, spoke to oppose restrictive building mandates and questioned whether the residential sector should be made a part of it. He noted that a good alternative to consider is the California Green Builder program.

He responded to questions of the Council and stated that the BIA would be supportive of the implementation of the 2010 Building Code.

Hearing no further response, Mayor Phillips closed public comments

Discussion continued. Councilmember Cave suggested the City needs to focus more at adjusting fees for green construction and looking at the older housing stock in the community that could use green building applications.

COUNCIL CONSENSUS TO STOP THE ORDINANCE AT THIS TIME IN ANTICIPATION OF THE IMPLEMENTATION OF THE STATE BUILDING CODE IN 2010.

15. GO-LOCAL PROGRAM UPDATE

John Whitman, Director of Public Works and Engineering, briefed the staff report dated July 16, 2008.

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

Director Whitman noted the final report will be presented to City Council next month.

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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) Michael Suydam, resident, commented about the Second Harvest Food Bank of Orange County hunger program, and invited the City to support and participate in this program.

Hearing no further response, Mayor Phillips closed public comments.

CITY MANAGER'S REPORT

No report at this time.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Ficke:

- Attended the Community Cup Golf Tournament last Friday.
- Invited the public to attend the Relay for Life event which starts this weekend at the Aliso Niguel High School facility.

Tsunoda:

- Congratulated the new Planning Commissioners who were sworn in and received an orientation on July 8, 2008.
- Advised the Aliso Viejo Little League has an invitation to attend the Junior Western Regional Tournament at Woodfield Park, Filed #5 on Tuesday, August 5 at 6:30 p.m.

Cave:

- Attended the TCA meeting and noted the budget passed without the original toll rate changes
- Attended the South County Major Investment Study meeting. She clarified that contrary to its name, the adopted Locally Preferred Strategy plan is not supported by local organizations. She alerted the Council to the proposed recommendation to OCTA to complete the Master Plan Arterial Highways as it currently exists which includes a portion that would affect Aliso Viejo, to turn Wood Canyon, south of Soka University to Aliso Creek Road, into two lanes both direction. She noted the traffic counts do not warrant the proposed expansion and this recommendation should be removed from the master plan. She also pointed out the proposed expansion of SR-73 to two more lanes on both directions, which she believes is not needed and is contrary to what was promised to Aliso Viejo when SR-73 was first built.
- Attended the USPS ad hoc meeting on July 14, 2008

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- Attended the AVCA 4th of July fireworks celebration in Grand Park
- Attended the Community Cup golf tournament on July 11, 2008.

Garcia:

- Attended the AVCA 4th of July fireworks celebration
- Attended the Community Cup golf tournament on July 11, 2008.

Phillips:

- Attended the Aliso Viejo Grand Prix event on July 12, 2008.
- Attended the AVCA Summer Concerts at the Park on Sunday afternoon.
- Attended the AVCA 4th of July fireworks celebration.
- Attended the League of California Cities meeting on July 10, 2008 and was impressed with all of the other cities' transportation projects.
- Announced the grand opening of the Renaissance ClubSport Hotel on Saturday, July 12, 2008 and encouraged the public to visit and check out its amenities.

ADJOURNMENT: The Mayor adjourned the regular meeting at 9:20 p.m.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

WILLIAM A. PHILLIPS
MAYOR