

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
AUGUST 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:

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)
3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – PURSUANT TO GOVERNMENT CODE SECTION 54957, TITLE: CITY MANAGER

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.

AUGUST 6, 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  
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: Caitlin DiScala, a family member of one of the players, 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. UPDATE ON UNITED STATES POSTAL SERVICE (USPS) PROPOSED DISTRIBUTION CENTER

Mayor Phillips presented the following updates and encouraged the public to review the environmental documents and submit their comments.

- Environmental Initial Study (EIS) was released in July; copies are available for review at the County Library in Aliso Viejo;
- The environmental review and comment period was extended to October 23, 2008;
- The USPS public meeting was rescheduled from August 26 to a date yet to be determined.

2. PRESENTATION OF RESULTS OF THE 5<sup>TH</sup> ANNUAL ALISO VIEJO COMMUNITY CUP GOLF TOURNAMENT

Robert Bunyan, President of the Aliso Viejo Community Foundation, reported on the event and presented the City with a check of \$62,000 from its proceeds to be deposited to the community trust account for use of programs at the Family Resource Center. He announced that this year's winner was Urban Arena and their name will be engraved on the perpetual trophy that will be displayed in City Hall.

AUGUST 6, 2008

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

Mayor Phillips and Lt. Rich Paddock presented the certificate of recognition and expressed their appreciation for the leadership of Ms. Samuels during her tenure at Don Juan Avila Elementary School. Ms. Samuels accepted the certificate and expressed thanks.

4. RECOGNITION AND PRESENTATION TO WILLIAM CONLEY AND MARK HILLER FOR THEIR INDIVIDUAL SERVICE TO THE CITY AND COMMUNITY ON THE DEVELOPMENT REVIEW COMMITTEE

Mayor Phillips presented the plaques of appreciation and expressed thanks and appreciation for their service. Director of Planning Genia Garcia also expressed thanks and appreciation for their service.

5. RECOGNITION AND PRESENTATION TO THE 2008 ALISO VIEJO LITTLE LEAGUE AAA A's FOR WINNING THE ALISO VIEJO LITTLE LEAGUE CITY CHAMPIONSHIP

Mayor Phillips, assisted by Councilmember Tsunoda, presented the certificates to the AAA A's Team, Robert Anderle, Manager, Kurt Lind, Phillip Tsunoda and Doug White, Coaches, Jake Anderle, Gregory Di Scala, Jake Roberts (absent), Austin De La Riva (absent), Kyle Baldovin, Andrew Binaei, Erik Lind, Andrew Tsunoda, Parker White, Camron McCoach, Phillip Maloney (absent), and Mark Orlowski, Players.

6. RECOGNITION AND PRESENTATION TO THE 2008 ALISO VIEJO LITTLE LEAGUE WHITE SOX FOR WINNING THE ALISO VIEJO LITTLE LEAGUE MAJORS CITY CHAMPIONSHIP

Mayor Phillips reported that a request has been received from the team to reschedule this presentation to August 20. He explained that some of the team players have advanced to play in the western regional tournament in San Bernardino and they will be playing tonight and cannot attend this meeting.

**ADDITIONS, DELETIONS, AND REORDERING OF THE AGENDA**

None

AUGUST 6, 2008

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 Item No. 8, Minutes of the regular meeting of October 17, 2007, for correction. City Manager Pulone requested to remove Agenda Item No. 12, Resolution opposing a proposal to borrow local government revenues and transportation funds for the State budget, pending further development from the State regarding their budget; and Agenda Item No. 15, First Amendment to Agreement with RF Dickson for Street Sweeping Services, noting that further language clarification is required at this time. No member of the public requested that an item be removed for discussion.

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

7. 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.

9. MINUTES – ADJOURNED AND REGULAR MEETINGS OF JULY 16, 2008

Approve Minutes as submitted.

10. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued July 10, 2008 in the amount of \$679,144.08; ratified Accounts Payable checks issued July 17, 2008 in the amount of \$149,596.33; and ratified Accounts Payable checks issued July 24, 2008 in the amount of \$368,326.59.

11. TREASURER'S STATEMENT – JUNE 30, 2008

Approved the June 2008 Treasurer's Statement.

13. SECOND AMENDMENT TO AGREEMENT WITH ROBERT BORDERS & ASSOCIATES FOR ARCHITECTURAL AND LANDSCAPE DESIGN SERVICES

Authorized the City Manager to execute a Second Amendment to said Agreement to extend the term through December 31, 2008, for continued architectural and design services for the Iglesia Park Master Plan project.

AUGUST 6, 2008

14. ADVERTISE FOR BIDS – TOWN CENTER LOOP PEDESTRIAN ENHANCEMENT PROJECT

Approved contract documents, specifications, and plans for the Town Center Loop Pedestrian Enhancement Project; and, authorize staff to advertise, evaluate bids, and recommend contractor for the project.

16. CITIZEN OF THE YEAR

Authorized the Selection Committee to select the Annual Citizens of the Year to be presented at the Aliso Viejo Chamber's State of the City – Breakfast with the Mayor event on August 15, 2008 at the Renaissance ClubSport in Aliso Viejo.

**MOTION UNANIMOUSLY CARRIED TO APPROVE CONSENT CALENDAR ITEMS 7, 9, 10, 11, 13, 14 AND 16.**

END OF CONSENT CALENDAR

**REMOVED FROM CONSENT CALENDAR**

8. MINUTES—ADJOURNED AND REGULAR MEETINGS OF OCTOBER 17, 2007

Councilmember Cave removed this item from consent to correct the name listed on page 6 of the regular meeting minutes of the Chief Executive Officer of the TCA, Tom Hargrow to Margrow.

**MOTION: ON MOTION BY COUNCILMEMBER CAVE AND SECONDED BY COUNCILMEMBER FICKE, THE CITY COUNCIL APPROVED THE MINUTES OF THE REGULAR MEETING OF OCTOBER 17, 2007 AS AMENDED AND THE MINUTES OF THE ADJOURNED MEETING AS PRESENTED. MOTION UNANIMOUSLY CARRIED.**

12. RESOLUTION NO. 2008-XX OPPOSING A PROPOSAL TO BORROW LOCAL GOVERNMENT REVENUES AND TRANSPORTATION FUNDS FOR THE STATE BUDGET

City Manager Pulone removed this item from the agenda pending further development from the State regarding its budget.

AUGUST 6, 2008

15. FIRST AMENDMENT TO AGREEMENT WITH R.F. DICKSON FOR STREET SWEEPING SERVICES

City Manager Pulone removed this item from the agenda pending further clarification to the language in the contract. It will be rescheduled to a subsequent Council meeting.

**CONTINUED PUBLIC HEARING ITEM NO. 17**

17. 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 (CONTINUED FROM JULY 16, 2008)

City Attorney Scott Smith briefed the staff report dated August 6, 2008.

Councilmember Tsunoda commented to change the language in the Appeal section of the ordinance to enable Council to pull a planning item from consent without triggering a public hearing. He suggested changing the language in the last sentence in Section 15.120.040(B) – Appeal by City Council, to read:

*"...Each item removed from the City Council consent calendar and officially appealed shall be scheduled for hearing before the Council at the next available City Council meeting, taking into account the Council's meeting schedule and notice requirements".*

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

**MOTION: ON MOTION BY MAYOR PRO TEM GARCIA AND SECONDED BY COUNCILMEMBER FICKE, THE CITY COUNCIL INTRODUCED FOR FIRST READING THE FOLLOWING ORDINANCE, AS AMENDED, ENTITLED:**

ORDINANCE NO. 2008-097, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, AMENDING TITLE 15 OF THE ORANGE COUNTY CODE, AS ADOPTED BY THE CITY OF ALISO VIEJO, 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

AUGUST 6, 2008

**DISCUSSION ITEM NOS. 18 AND 19**

18. SELECTION OF VOTING DELEGATE/ALTERNATE(S) FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

City Manager Pulone briefed the staff report dated August 6, 2008.

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

**MOTION: ON MOTION BY COUNCILMEMBER TSUNODA AND SECONDED BY COUNCILMEMBER CAVE, THE CITY COUNCIL DESIGNATED MAYOR PHILLIPS AS DELEGATE AND MAYOR PRO TEM GARCIA AND MARK PULONE AS ALTERNATES. MOTION UNANIMOUSLY CARRIED.**

19. ANIMAL CONTROL AND SHELTER SERVICES AGREEMENT WITH THE CITY OF MISSION VIEJO

Glenn Yasui, Director of Administrative Services, briefed the staff report dated August 6, 2008.

Questions and discussion ensued regarding the cattery and lapse in service between the County contract and the agreement with Mission Viejo.

Mayor Phillips asked if anyone wished to address the City Council on this matter. The following spoke:

- 1) Dr. James Gardner, expressed congratulations and support of the Council's action to contract with the City of Mission Viejo for its animal and shelter services.
- 2) Amber Woodcock, expressed thanks and support of the new contract and the cattery.

Hearing no further response, Mayor Phillips closed the public comments.

**MOTION: ON MOTION BY COUNCILMEMBER FICKE AND SECONDED BY MAYOR PRO TEM GARCIA, THE CITY COUNCIL AUTHORIZED AN AGREEMENT WITH THE CITY OF MISSION VIEJO FOR THE PROVISION OF ANIMAL CONTROL AND SHELTER SERVICES SUBSTANTIALLY IN THE FORM SUBMITTED; 2) APPROVED A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF MISSION VIEJO RELATING TO THE CATTERY EXPANSION PROJECT SUBSTANTIALLY IN THE FORM SUBMITTED; 3) DIRECTED THE CITY MANAGER TO RE-SUBMIT THE AGREEMENT AND MEMORANDUM OF UNDERSTANDING IF THERE ARE ANY SUBSTANTIVE CHANGES; 4) AUTHORIZED THE CITY MANAGER TO MAKE REVISIONS TO THE AGREEMENT AND MEMORANDUM OF UNDERSTANDING TO ADDRESS ANY NON-SUBSTANTIVE ISSUES; 5) AUTHORIZED THE MAYOR TO EXECUTE THE FINAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING;**

AUGUST 6, 2008

**6) AUTHORIZED AN APPROPRIATION OF \$19,377 FROM THE UNRESERVED GENERAL FUND FOR 2008-09 ANIMAL CONTROL AND SHELTER SERVICES; AND, 7) DIRECTED STAFF TO PROVIDE NOTIFICATION TO THE COUNTY OF ORANGE HEALTH CARE AGENCY TERMINATING THE AGREEMENT WITH THE COUNTY FOR ANIMAL CARE SERVICES EFFECTIVE JANUARY 1, 2009.**

As a follow up to the recommended action above to appropriate funds from the Unreserved General Fund, Councilmember Cave requested staff monitor and keep a running total of the Unreserved General Fund and to include a total to date in the fiscal impact portion of the staff report each time there is an appropriation made.

### 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, Mayor Phillips closed public comments.

### CITY MANAGER'S REPORT

City Manager Pulone provided an update on the status of the State budget based on information received from Townsend Public Affairs. He noted staff will continue to monitor the development of the State budget and report back to Council as necessary.

### ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

#### Tsunoda:

- Thanked the Council for participating in the first pitch of the Junior Little League Western Tournament championship game at Woodfield Park.
- Requested the Mayor's permission to ask the Vector Control District to give a presentation to the Aliso Viejo City Council regarding the West Nile Virus. Mayor Phillips replied in the affirmative.

#### Cave:

- Attended the retirement party for Matt Vadala of the OCFA.
- Attended the installation reception for the South County Chamber of Commerce. Jim Leach is the new Executive Director.
- Attended the OCTA Press Conference on single synchronization project held at Oso and Cabot Road.
- Attended the League Board of Directors Meeting. Expressed continuing concern about the conflicting positions the League is taking from the South Orange County positions.
- Attended the Government Affairs Committee for the South County Chamber of Commerce and reported on the USPS EIS update
- Attended the Aliso Creek Watershed Stakeholder's Meeting and commended



AUGUST 6, 2008

staff member Moy Yahya for a good presentation regarding a natural approach to clean up the water going into the Aliso Creek

- Met with CUSD Trustee, Ken Maddock, and discussed the concerns with the USPS facility proposal.
- Attended a briefing on the transportation fund to be presented in Washington, DC next week to the Department of Transportation to ask for loans for toll road construction to complete the Glenwood interchange and other projects on the SR73.
- Attended the Little League event in Woodfield Park and commended the young athletes for their dedication and passion and the community fellowship and building that results from these events.

Ficke:

- No report at this time.

Garcia:

- Attended the opening day for the Junior Western Regional tournament with a speech and was impressed with the good turnout from other states and cities.

Phillips:

- Noted that the landscaping project outside City Hall is almost complete and it is a good example for utilizing drought-tolerant and native materials particularly in a time where there is water shortage.
- Announced that the State of the City address is scheduled on August 15, 2008
- Attended the funeral services for Vincent Marchitelli, an active community member.
- Announced the ribbon cutting ceremony on Friday, August 8, for the Renaissance ClubSport Hotel.

Councilmember Cave commented about the late Mr. Marchitelli, a WWII veteran. She noted that he frequented the Council meetings and was present at the last one where he made a comment to include each and every veteran for the proposed Veterans Memorial program at Saddleback College. She said that the City is considering establishing a Veterans Memorial program and although it is too late for Vincent Marchitelli, it is not too late for his family and others. She requested adjourning tonight's meeting in his memory.

ADJOURNMENT: The Mayor adjourned the meeting at 8:30 p.m. in memory of Vincent Marchitelli, an active member of the community.

Respectfully submitted,

Approved by:

---

SUSAN A. RAMOS  
CITY CLERK

---

WILLIAM A. PHILLIPS  
MAYOR