

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
AUGUST 20, 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
JAMIE RAYMOND, ASSISTANT 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, INITIATION OF LITIGATION, TWO POTENTIAL CASES, PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C)
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY – 632-141-06; AGENCY NEGOTIATOR: CITY MANAGER AND CITY ATTORNEY; NEGOTIATING PARTIES: UNITED STATES POSTAL SERVICE; UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT.
3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY – PHASE III OF THE COMMONS AT ALISO TOWN CENTER PROJECT (LOTS 5 AND 6 OF TRACT 16838); 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.,

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welcomed the public to the meeting, and requested the 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

STAFF PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
PAULA GARROW, SECRETARY TO THE CITY MANAGER
/DEPUTY CITY CLERK
GLENN YASUI, DIRECTOR OF ADMINISTRATIVE SERVICES
GENIA GARCIA, DIRECTOR OF PLANNING SERVICES
WAYNE LOFTUS, CONSULTING PLANNER
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIRECTOR
HELEN WILSON, DIRECTOR OF COMMUNITY SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: John Steward, Moulton Niguel Water District Board Member, led the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

City Attorney Smith reported that under Closed Session item no. 2, the City Council authorized the City Attorney to obtain services of an appraiser to assist in determining the current value of the property located at 2 Liberty, Aliso Viejo, for potential purchase by the City.

SPECIAL PRESENTATIONS

1. UPDATED ON UNITED STATES POSTAL SERVICE (USPS) PROPOSED DISTRIBUTION CENTER

Mayor Phillips provided the following update:

- The EIS is undergoing a detailed review
- The USPS public meeting is scheduled on September 16, 2008 at Don Juan Avila Middle School. He noted the meeting handouts are available in the back table
- City's website lists all of the contact information regarding the proposed facility
- Encouraged residents to attend the public meeting and express their concerns at the meeting
- Encouraged residents to send letters, emails and phone calls to the

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Postmaster General regarding their concerns, whose address can be found on the website.

2. RECOGNITION AND PRESENTATION TO ROGIER GOEDECKE AND JOE KOSZAREK FOR THEIR INDIVIDUAL SERVICE TO THE CITY AND COMMUNITY ON THE DEVELOPMENT REVIEW COMMITTEE

Mayor Phillips presented a Certificate of Appreciation to Rogier Goedecke, and was joined by Genia Garcia in expressing thanks for his service to the community and his influence and expertise in his contributions to the DRC. Joe Koszarek was not in attendance.

3. RECOGNITION AND PRESENTATION TO THE 2008 ALISO VIEJO LITTLE LEAGUE AA SAN DIEGO PADRES FOR WINNING THE ALISO VIEJO LITTLE LEAGUE CITY CHAMPIONSHIP

Mayor Phillips, joined by Marc Padre, Manager, expressed their commendation and appreciation and presented Certificates of Recognition to the AA San Diego Padres Team, Marc Giovannella and Don Rice, Coaches, and Joshua Beever (absent), Kyle Benetier, Vincent Chopra, Nicholas Curie (absent), Evan Giovannella, Tyler Jamora, Kanin Kulik, Lucas Marshall, Matthew Padre, Austen Rice, Sean Spinuzzi, and Colton Vedova, Players.

4. RECOGNITION AND PRESENTATION TO THE 2008 ALISO VIEJO LITTLE LEAGUE WHITE SOX FOR WINNING THE ALISO VIEJO LITTLE LEAGUE MAJORS CITY CHAMPIONSHIP (Rescheduled from August 6, 2008)

This presentation was rescheduled to September 3, 2008 due to a scheduling conflict.

5. RECOGNITION AND PRESENTATION TO THE 2008 ALISO VIEJO LITTLE LEAGUE JUNIOR ROCKIES FOR WINNING THE ALISO VIEJO LITTLE LEAGUE MAJORS CITY CHAMPIONSHIP

Mayor Phillips, joined by Jeff Carducci, Manager, expressed their commendation and appreciation and presented Certificates of Recognition to the Junior Rockies Team, Steve Paris, John Belles (absent) and Ross Parsons, Coaches; and Dakota Smith (absent), Ross Parsons, Mark Martinez, Kevin Cracchiolo, Kyle Paris, Trenton Kolden, Nicholas Carducci, Tyler Hatzenbuehler (absent), Tyler Shields, Benjamin Garcia, Jake Elliott, Jarret Belles, and Cody Dufur, Players.

ADDITIONS, DELETIONS, AND REORDERING OF THE AGENDA

None.

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CONSENT CALENDAR

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. City Manager Mark Pulone requested that Agenda Item 10 be removed from the agenda. No member of the public requested that an item be removed for discussion.

MOTION: MOVED BY COUNCILMEMBER CAVE AND SECONDED BY COUNCILMEMBER FICKE, TO APPROVE THE FOLLOWING CONSENT CALENDAR ITEMS:

6. 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.

7. MINUTES—SPECIAL MEETING OF OCTOBER 22, 2007

Approved Minutes as submitted.

8. MINUTES – REGULAR MEETING OF AUGUST 6, 2008

Approved Minutes as submitted.

9. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued July 31, 2008 in the amount of \$82,063.58; ratified Accounts Payable checks issued August 7, 2008 in the amount of \$48,923.35.

11. RELEASE OF BONDS FOR TACO BELL AT ALISO COMMONS - TRACT 16838 COTTI FOODS CORPORATION

Adopted Resolution No. 2008-XX entitled below:

RESOLUTION NO. 2008-XX, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, EXONERATING THE GRADING BOND ASSOCIATED WITH TACO BELL – TRACT 16838.

12. THIRD AMENDMENT TO AGREEMENT WITH LAWRENCE AND ASSOCIATES FOR PLANNING CONSULTANT SERVICES

Approved a Third Amendment to said Agreement.

13. FIRST AMENDMENT TO AGREEMENT WITH R.F. DICKSON FOR STREET SWEEPING SERVICES (Continued from August 6, 2008)

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Approved a First Amendment to the Agreement with R.F. Dickson for street sweeping services and authorized the City Manager to execute said amendment.

14. ADOPTION OF AN ORDINANCE 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

Adopted Ordinance No. 2008-097 entitled below:

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

15. REQUEST FOR PROPOSALS FOR CONSTRUCTION INSPECTION SERVICES

Approved the Request for Proposals (RFP) for construction inspection services and directed staff to advertise said RFP and recommend a contractor for City Council selection.

MOTION UNANIMOUSLY CARRIED TO APPROVE CONSENT CALENDAR ITEMS 6, 7, 8, 9, 11, 12, 13, 14, AND 15.

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

10. RELEASE OF BONDS FOR VENTANA RIDGE – TRACT 16881 BMR DEVELOPMENT, LLC

City Manager noted this item will be rescheduled to a later date.

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PUBLIC HEARING ITEM NOS. 16 TO 18

16. AMENDMENT TO THE COMMONS AT ALISO VIEJO TOWN CENTER DEVELOPMENT AGREEMENT

City Attorney Smith briefed the staff report dated August 20, 2008.

Mayor Phillips opened the public hearing. He asked if anyone wished to address the City Council on this matter.

1. Richard Parks, representing Aliso Commons II, stated that he looked forward to the project coming together, his belief that the project and its tenants would be an asset for the City, that he appreciates the City's patience with some of the challenges this project has presented and his hopes that issues will be soon be resolved enabling the project to move forward.

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

MOTION: MOVED BY COUNCILMEMBER FICKE SECONDED BY MAYOR PRO TEM DONALD GARCIA, TO INTRODUCE FOR FIRST READING THE FOLLOWING ORDINANCE, ENTITLED:

ORDINANCE NO. 2008-XX, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, APPROVING AN AMENDMENT TO THE COMMONS AT ALISO VIEJO TOWN CENTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ALISO VIEJO AND ALISO COMMONS 2, LLC (FORMERLY ALISO COMMONS CORNER, LLC) PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ. FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF ALISO VIEJO.

MOTION UNANIMOUSLY CARRIED.

17. MUNICIPAL CODE AMENDMENT TO REQUIRE THE PAYMENT OF FEES TO COVER THE COST OF REMOVAL OF ILLEGAL SIGNS IN THE PUBLIC RIGHT OF WAY PRIOR TO RETRIEVAL OF SUCH SIGNS BY THE OWNER

Director of Public Works John Whitman briefed the staff reported dated August 20, 2008.

Mayor Pro Tem Garcia suggested changing the verbiage in sub-section C, second paragraph, "Said signs shall be retained at City Hall for a period of not less than three working days" be changed to read, "Said signs shall be retained at City Hall for a period of three working days..." so that signs would be destroyed at the end of that period.

Mayor Phillips opened the public hearing and asked if anyone wished to address the

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City Council on this matter. Hearing no response, Mayor Phillips closed the public hearing.

MOTION: MOVED BY MAYOR PRO TEM GARCIA, SECONDED BY COUNCILMEMBER CAVE, TO INTRODUCE FOR FIRST READING THE FOLLOWING ORDINANCE, AS AMENDED UNDER SECTION 1, PARAGRAPH C, TO READ, "...FOR A PERIOD OF THREE WORKING DAYS."...

ORDINANCE NO. 2008-XX, 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 THE PLACEMENT OF ILLEGAL SIGNS IN THE PUBLIC RIGHT OF WAY OR UPON PUBLIC PROPERTY TO REQUIRE THE PAYMENT OF FEES TO COVER THE COST OF REMOVAL OF SUCH SIGNS PRIOR TO THE RETRIEVAL OF SUCH SIGNS BY THE OWNER.

MOTION UNANIMOUSLY CARRIED.

18. CONSIDER PRELIMINARY DRAFT ZONING MAP TO ESTABLISH ZONING DISTRICTS WITHIN THE CITY

Wayne Loftus, Planning Consultant, briefed the staff report dated August 20, 2008, noting the challenge to manipulate the computer generated map in order to get all zones to have the appropriate color designations. He stated it is staff's intent to resolve this issue before the map is resubmitted to the City Council for adoption.

Staff responded to questions and concerns as to why the item is being presented to the Council at this time and why it is designated a public hearing item. Furthermore, comments were expressed about adopting the map as a preliminary map at this meeting for purposes of providing the Planning Commission with an approved map, whether the proposed designations for Area No. 1 are accurate, and the timeline for submitting it to the Planning Commission.

Council stated that the matter should not be delayed much longer and that the zoning map with the correct colors and zone designations was to be available for use by the Planning Commission for their meeting on September 23, 2008.

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: MOVED BY COUNCILMEMBER CAVE, SECONDED BY COUNCILMEMBER FICKE, TO REFER THE DRAFT ZONING MAP WITH THE CORRECT COLORS AND DESIGNATIONS TO THE PLANNING COMMISSION ON SEPTEMBER 23, 2008, FOR A PUBLIC HEARING AND RECOMMENDATION.

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MOTION UNANIMOUSLY CARRIED.

DISCUSSION ITEM NOS. 19 THROUGH 23

19. **UNCONTESTED GENERAL MUNICIPAL ELECTION OF NOVEMBER 4, 2008 FOR THREE (3) CITY COUNCIL SEATS**

City Attorney Scott Smith briefed the staff report dated August 20, 2008 and recommended a procedural approach to vote on the appointments as it relates to the three members of Council who would need to abstain from the vote. City Attorney Smith suggested that the three incumbents (Phillips, Garcia and Ficke) remove themselves from the dais, draw lots to determine which one would return to the dais in order to have a quorum for the vote. Mayor Pro Tem Garcia drew the marked lot and returned to the dais.

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

MOTION: MOVED BY COUNCILMEMBER CAVE AND SECONDED BY COUNCILMEMBER TSUNODA, TO APPOINT TO THE OFFICE THE PERSONS WHO HAVE BEEN NOMINATED AND QUALIFIED FOR A TERM OF FOUR YEARS EXPIRING IN NOVEMBER 2012 AND CANCELING THE ELECTION AND ADOPT RESOLUTION NO. 2008-025 ENTITLED:

RESOLUTION NO. 2008-025, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPOINTING PERSONS TO THE ALISO VIEJO CITY COUNCIL PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229.

MOTION CARRIED 3-0, MAYOR PHILLIPS AND COUNCILMEMBER FICKE ABSTAINED AND RETURNED TO THE DAIS.

20. **VETERAN'S RECOGNITION PROGRAM**

Director of Community Services Helen Wilson briefed the staff report dated August 20, 2008 and responded to questions regarding timeline and process.

Council suggested placing a banner on the City's website to facilitate notification.

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

Council suggested that funds not be appropriated until the mid-year budget process, and also suggested that funds could be reallocated for this program, should there be an

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excess of \$300 from the September 27 Founders Day event.

MOTION: MOVED BY MAYOR PRO TEM GARCIA AND SECONDED BY COUNCILMEMBER CAVE, TO APPROVE THE PROGRAM BUT NOT THE BUDGET APPROPRIATION; TO REVISIT THIS ITEM IN THE MID-YEAR BUDGET PROCESS UNLESS AN EXCESS OF \$300 IS AVAILABLE FROM THE FOUNDERS DAY EVENT, WHICH WOULD THEN BE REALLOCATED TO THE VETERANS RECOGNITION PROGRAM.

MOTION CARRIED UNANIMOUSLY.

21. WEBSITE MAINTENANCE, DESIGN AND HOSTING SERVICES REQUEST FOR QUALIFICATIONS AND PROPOSALS

Director of Community Services Helen Wilson briefed the staff report dated August 20, 2008 and responded to questions regarding timeline.

Council encouraged staff to evaluate RFQ's received with the broader scope of future projects in mind; however, the goal of the RFQ is to solicit hosting ability and recommended the following changes to the RFQ: that Page 21-10, section VII. 1. C be altered by removal of the phrase, "and greatly enhance;" that Page 21-11, section H regarding future expansion of the website be altered by making it an additional separate option; and that Page 21-13, no. 4 regarding future integration with audio and/or video streaming be altered by making it an additional separate option. It was also stated that the RFQ needs to clearly state that staff shall be able to easily post website changes on an almost immediate basis.

Council requested that information relating to vendor qualifications and capabilities be obtained, but not as part of the base bid information.

City Manager Pulone suggested that staff can include verbiage on qualifications and capabilities in the transmittal letter of the RFQ.

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

MOTION: MOVED BY COUNCILMEMBER CAVE AND SECONDED BY COUNCILMEMBER FICKE, TO INCORPORATE THE CHANGES TO THE RFQ AS RECOMMENDED THIS EVENING AND CIRCULATE THE RFQ.

MOTION UNANIMOUSLY CARRIED.

22. FINAL REPORT – GO LOCAL PROGRAM

Director of Public Works John Whitman briefed the staff report dated August 20, 2008.

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Council stated their enthusiasm that Phase 1 is complete and has been submitted to OCTA, the great asset that it can be for the community and that Soka University and Renaissance Hotel have expressed their excitement about the prospect of additional mobility in town. Additional comments included seeing if the City could make this a self-supporting program in the future.

Discussion ensued regarding community support and funding for phase 2 of the program.

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

MOTION: MOVED BY COUNCILMEMBER FICKE AND SECONDED BY COUNCILMEMBER TSUNODA, TO ADOPT THE GO LOCAL STEP ONE FINAL REPORT AND AUTHORIZE STAFF TO OFFICIALLY SUBMIT THE REPORT TO ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA); AND, AUTHORIZE THE EXPENDITURE OF LOCAL MATCHING FUNDS OF \$25,000 OR TEN PERCENT OF THE ESTIMATED PHASE 2 COST OF \$250,000.

MOTION UNANIMOUSLY CARRIED.

23. UPDATE ON CITY OF ALISO VIEJO GOALS AND STRATEGIC INITIATIVES

City Manager Mark Pulone briefed the staff report dated August 20, 2008 highlighting the current initiatives.

Council commented on the following:

- Adding the remaining master plan projects at Iglesia Park to the Wish List
- Deleting Public Access Computer Station under Interactive Communication
- Scheduling a workshop to consider policy development for community enhancement fees, affordable housing programs and clarify legislative policy.

Mayor Phillips also expressed support for a workshop and suggested working on a date after October 23, 2008.

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 apprised the Council on the meeting today between OCTA and CUSD regarding proposed bussing operations and OCTA's role. Staff will continue to monitor any developments on this matter and staff has advised CUSD that no increases

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in their operations are allowed until the CUP process is concluded.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Ficke:

- Attended opening ceremonies of the Renaissance ClubSport Hotel.
- Complimented the Mayor on the well executed Breakfast with the Mayor event and great State of the City address and awesome introduction of the new City video.

Tsunoda:

- Congratulated his Council colleagues on their successful election efforts.
- Visited the Aquatics/Conference Center project and saw that it is nearing completion. He encouraged staff to take the steps necessary to bring this project to completion as it is a high priority of the City's residents and hopes that they can enjoy it as soon as possible.

Cave:

- Asked staff to schedule a presentation on the draft USPS EIS for the Planning Commission meeting on September 9 as a public hearing to provide the public an opportunity to receive technical information about the proposal and provide comments prior to the USPS public meeting on September 16.
- Went to Washington, D.C. for TCA to present a request for a \$1.1 billion loan.
- Received briefing on lobbying efforts in Washington, D.C. from Robert White in the office of Congresswoman Eleanor Holmes Norton and from Lori Hayman and David Stelzer of the U.S. House of Representatives' Committee on Oversight and Government Reform; and briefed their offices on the USPS matter.
- Strongly encouraged the public to contact the Postmaster General directly, whose contact information is on the City's website.

Garcia:

- Mayor Phillips and he met with members of AVCA to relay the message that we need to fight the USPS postal facility together and utilize whatever vehicles we each possess to assist each other in this fight and in getting information out to the citizens. This will also be a great demonstration to our citizens that the City and AVCA are united and looking forward to functioning as a strong team.
- Apologized for being out of town for the Mayor's Breakfast.

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Phillips:

- Reported that the Renaissance Hotel's occupancy rate on its 32nd day of business was at 86 percent!
- Thanked staff for all of their help on the Mayor's Breakfast.
- Commented on the productive meeting with AVCA last night.
- Met with Temple Beth El and they expressed their support and interest in helping in whatever way they can to prevent the USPS facility.
- Thanked Councilmember Cave for her help in Washington, D.C.
- Announced the USPS public meeting on September 16, the Community Clean-Up on September 20, and the City's Founder's Day event on September 27, and wished everyone a good and safe Labor Day weekend.

ADJOURNMENT: The Mayor adjourned the meeting at 9:10 p.m.

Respectfully submitted,

Approved by:

PAULA A. GARROW
SECRETARY TO CITY MANAGER/
DEPUTY CITY CLERK

WILLIAM A. PHILLIPS
MAYOR