

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 3, 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
CARMEN CAVE
GREG A. FICKE
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: DONALD A. GARCIA

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, 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.

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.

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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 FINANCE
GENIA GARCIA, DIRECTOR OF PLANNING SERVICES
WAYNE LOFTUS, PLANNING CONSULTANT
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIR.
LT. RICH PADDOCK, DIRECTOR OF POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Zach Goveia, a team member of AVLL White Sox, 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, Council authorized staff to prepare an offer letter to the USPS to purchase property at #4 Liberty in Aliso Viejo. Mayor Pro Tem Garcia was absent.

The City Council took the following motion in open session with the presence of the entire Council:

MOTION: ON MOTION BY COUNCILMEMBER CAVE AND SECONDED BY COUNCILMEMBER FICKE, THE CITY COUNCIL AUTHORIZED STAFF TO PREPARE AN OFFER LETTER TO THE UNITED STATES POSTAL SERVICE (USPS) TO PURCHASE THEIR PROPERTY LOCATED AT #4 LIBERTY IN ALISO VIEJO (PROPERTY LOCATED BETWEEN THE CAPISTRANO UNIFIED SCHOOL DISTRICT BUS YARD AND THE MOULTON NIGUEL WATER DISTRICT HOLDING TANK) AT FULL MARKET VALUE AND ENGAGE IN NEGOTIATIONS; AND, DIRECT STAFF TO COPY SAID LETTER TO ALL LEGISLATIVE REPRESENTATIVES AND OTHER PARTIES AS DETERMINED BY TOWNSEND ASSOCIATES, TO ENSURE A WIDESPREAD DISTRIBUTION OF THE INFORMATION.

MOTION UNANIMOUSLY CARRIED.

SPECIAL PRESENTATIONS

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

Mayor Phillips presented the following updates:

- Environmental Initial Study (EIS) is out and available for public review and comments at City Hall, the public library and online via the City's website; he strongly encourage residents and the general public to review the document;
- The environmental review and comment period was extended to October 23, 2008;
- A City newsletter has been prepared and distributed regarding the USPS public meeting scheduled on September 16 at 5:30 p.m. in the Don Juan Avila Elementary School; he strongly encouraged residents and the general public to attend and present their concerns;
- The City is continuing to work with its local legislators to move the proposed project to another more suitable location and to demonstrate the City's willingness to purchase the property, if necessary;
- Planning Commission meeting on September 9 will include an update on the EIS for the proposed facility; strongly encouraged residents and the general public to attend to get a better understanding of the proposed facility and its impacts to the City.

2. RECOGNITION AND PRESENTATION TO DEBRA MORRIS, CHAIRPERSON, ALISO VIEJO- BASED RELAY FOR LIFE FOR OUTSTANDING DEDICATION TO THE COMMUNITY

Mayor Phillips recognized Debra Morris for her outstanding contributions to the Aliso Viejo Relay for Life event and presented her with a certificate of recognition. Ms. Morris accepted with thanks and appreciation.

3. 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 20, 2008)

Mayor Phillips and Mayor Pro Tem Garcia presented the certificates to the Majors White Sox Team, Dave Cole, Manager, Bruce North and Rob Sabol, Coaches, Chandler Bell (absent), Montana Garcia, Jalen Walker, Nicholas Webb, Sean Corrigan, Curren Jardim, Ryan Aguirre, Calvin Westfall, Blake Sabol, Nathan Cole, Zach Goveia and Michael Vitale, Players.

4. PRESENTATION BY ORANGE COUNTY VECTOR CONTROL DISTRICT REGARDING WEST NILE VIRUS – Receive presentation.

Michael Hearst, Director of Communications, Orange County Vector Control District, presented a brief report regarding the West Nile virus and related incidents, and

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provided some precautionary measures and a contact telephone number.

Council suggested posting pertinent information on the City's website.

ADDITIONS, DELETIONS, AND REORDERING OF THE AGENDA

Mayor announced that Agenda Item No. 13, Amendment to Lease Agreement with James Doyle, has been pulled by staff.

MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM GARCIA SECONDED TO MOVE AGENDA ITEM NO. 15, TRUST ACCOUNT POLICY, TO THE CONSENT CALENDAR. MOTION UNANIMOUSLY CARRIED.

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 pull Agenda Item No. 12, August 12, 2008 Planning Commission Decisions, 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 APPROVED THE FOLLOWING CONSENT CALENDAR ITEMS NO. 5, 6, 7, 8, 9, 10, 11 AND 15:

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.

6. **MINUTES – REGULAR MEETING OF AUGUST 20, 2008**

Approved the Minutes as submitted.

7. **TREASURER'S STATEMENT - JULY, 2008**

Approved the July 2008 Treasurer's Statement.

8. **ACCOUNTS PAYABLE**

Ratified Accounts Payable checks issued August 14, 2008 in the amount of \$19,874.94 and Accounts Payable checks issued August 21, 2008 in the amount of \$46,494.60.

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9. ORDINANCE NO. 2008-098

Adopted Ordinance No. 2008-098 entitled below:

ORDINANCE NO. 2008-098, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, 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.

10. ORDINANCE NO. 2008-099

Adopted Ordinance No. 2008-099 entitled below:

ORDINANCE NO. 2008-099, 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.

11. REDUCE THE BOND FOR VENTANA RIDGE – TRACT 16881 BMR DEVELOPMENT, LLC (Rescheduled from August 20, 2008)

Adopted Resolution No. 2008-023 entitled below:

RESOLUTION NO. 2008-023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, REDUCING THE INFRASTRUCTURE BOND ASSOCIATED WITH VENTANA RIDGE – TRACT 16881.

15. TRUST ACCOUNT POLICY

Councilmember Cave requested that this item be moved to consent.

MOTION UNANIMOUSLY CARRIED TO APPROVE CONSENT CALENDAR ITEMS NO. 5, 6, 7, 8, 9, 10, 11 AND 15.

END OF CONSENT CALENDAR

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REMOVED FROM CONSENT CALENDAR

12. AUGUST 12, 2008 PLANNING COMMISSION DECISIONS

Councilmember Tsunoda requested that this item be pulled from consent to clarify item no. 2 on the Planning Commission agenda pertaining to the application filed by Shea Homes for the Glenwood at Aliso Viejo subdivision regarding their banner and signage program. He reported that the staff report in the agenda packet was revised to reflect the correct ordinance and process for pulling the items from consent. He confirmed that any Council member can pull this item from the consent calendar either to ask questions and get clarification, or to seek an appeal, with the affirmative vote of the entire Council. He further confirmed that his request to pull this item from consent this evening is to seek clarification only and not for any other purpose.

Staff clarified that Shea Homes is in violation of the City's sign ordinance and has the option to either file an application to amend their Specific Plan or file an application to amend the sign ordinance. Staff also described the process for either option. Discussion ensued regarding the process.

Councilmember Cave clarified that if Shea Homes is in violation of the City's sign ordinance, it is also in violation of AVCA's sign regulations since the City's sign program was modeled after AVCA's and these two sets of sign regulations are consistent with each other. She expressed concern that the historical perspective of the sign ordinance should be considered in considering amendments to the sign ordinance.

Mayor Pro Tem Garcia requested staff to include the name of the Commissioner who voted on each item, in future staff reports.

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

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE THE AUGUST 12 DECISIONS OF THE PLANNING COMMISSION. MOTION UNANIMOUSLY CARRIED.

13. AMENDMENT TO LEASE AGREEMENT WITH JAMES DOYLE

Staff requested that this item be pulled from the agenda.

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DISCUSSION ITEM NO. 14

14 **RESOLUTION ESTABLISHING FEES FOR THE RETRIEVAL OF ILLEGAL SIGNS IN THE PUBLIC RIGHT OF WAY**

City Attorney Smith briefed the report dated September 3, 2008.

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

MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM GARCIA SECONDED TO ADOPT THE FOLLOWING RESOLUTION ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ESTABLISHING A FEE FOR THE RETRIEVAL OF ILLEGAL SIGNS REMOVED FROM PUBLIC PROPERTY OR THE PUBLIC RIGHT OF WAY

AND, TO FORWARD A COPY OF THE RESOLUTION TO THE MAJOR VIOLATORS AND THE BOARD OF REALTORS.

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. Hearing no response, Mayor Phillips closed public comments.

CITY MANAGER'S REPORT

City Manager Pulone commented that AVCA has requested the City for assistance in submitting a Trails Grant application by putting the City's name on the application. He noted there is no financial obligation on the part of the City. Staff is awaiting further information from AVCA on the mechanism required to move forward. He recommended staff prepare a report to Council at their next meeting on September 19 with this information, for Council's consideration.

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ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda:

- Thanked the City Manager for his efforts in moving the completion of the Aquatics and Conference Centers as expeditiously as possible.

Cave:

- Encouraged the residents and public to attend the USPS public meeting on September 16 at Don Juan Avila Elementary School and the Planning Commission meeting on September 9, or to visit the City's website for more information. She asked the residents and public to be specific in their comments and concerns and enumerated some of the adverse impacts of the project.

Ficke:

- Requested Police Services to work with the school for parking issues for the September 16, 2008 USPS public meeting.

Garcia:

- Announced he is planning to attend the Planning Commission meeting on September 9 and encouraged the residents and public to attend to obtain the information they need prior to the USPS public meeting the following week.

Phillips:

- Asked the residents and the public to contact Congressman Campbell's office with their concerns and comments.
- Announced that the Aliso Viejo Ranch site follow-up workshop is scheduled next Wednesday.

ADJOURNMENT: The Mayor adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

WILLIAM A. PHILLIPS
MAYOR