

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
SEPTEMBER 17, 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**

Pursuant to Government Code Section 54956.9(c)  
Initiation of Litigation  
Number of potential case: One

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

Property: Santa Barbara 29-33  
Agency Negotiator: City Manager and City Attorney  
Negotiating Parties: Clubcorp  
Under Negotiation: Price and terms of payment for  
community center use/lease

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AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:25 p.m., 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  
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: Lt. Rich Paddock, Director of Police Services, led the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

No reportable action at this time.

SPECIAL PRESENTATIONS

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;
- Check the website for updates. Updates will also be provided at the City Council meetings and the Planning Commission meetings;
- The environmental review and comment period was extended to October 23, 2008;
- 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;

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- The USPS public meeting on Tuesday, September 16 at Don Juan Avila School had a good turnout of about 200 people, with the large majority of persons who spoke expressing opposition to the proposed facility. He expressed thanks and appreciation to Councilmember Cave and staff for their efforts in preparing the presentation materials for display.

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

None at this time.

**CONSENT CALENDAR**

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. No Councilmember or 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:**

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 MEETING OF SEPTEMBER 3, 2008**

Approved the Minutes as submitted.

4. **ACCOUNTS PAYABLE**

Ratified Accounts Payable checks issued August 28,2008 in the amount of \$783,022.07 and checks issued September 4, 2008 in the amount of \$810,156.04.

5. **SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF)**

**RECOMMENDED ACTION:** Adopted the following entitled resolution:

RESOLUTION NO. 2008-XX, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, APPROVING THE EXPENDITURE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) FOR FISCAL YEAR 2008-09.

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6. RELEASE OF BONDS FOR RENAISSANCE CLUBSPORT SUMMIT 5  
PRECISE GRADING – TRACT 15736, R.D. OLSON DEVELOPMENT

**RECOMMENDED ACTION:** Adopted the following entitled resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO  
VIEJO, CALIFORNIA, EXONERATING THE GRADING BOND AT  
TRACT 15736 RENAISSANCE CLUBSPORT SUMMIT 5.

7. AMENDMENT TO LPA, INC. AGREEMENT FOR ARCHITECTURAL  
CONSULTANT SERVICES

**RECOMMENDED ACTION:** Approved the First Amendment to the Agreement  
with LPA, Inc. for architectural consultant services and authorize the City  
Manager to execute said Amendment.

8. RESOLUTION TO AMEND THE CITY'S RECORDS RETENTION SCHEDULE

**RECOMMENDED ACTION:** Adopted the following entitled resolution:

RESOLUTION NO. 2008-XXX, A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF ALISO VIEJO, AMENDING THE  
CITY'S RECORDS RETENTION SCHEDULE XXX.

**MOTION UNANIMOUSLY CARRIED FOR CONSENT CALENDAR ITEMS 2  
THROUGH 8.**

**END OF CONSENT CALENDAR**

**DISCUSSION ITEM NOS. 9 AND 10**

9. ROLE OF CITY GOVERNMENT IN AN EMERGENCY

City Manager Mark Pulone briefed the staff report dated September 17, 2008 and deferred to Steve Rhyner, Emergency Coordinator, to give a presentation, highlighting the City's responsibilities and role of City Council in a local emergency, and reasons to proclaim an emergency.

Questions and discussion ensued regarding the procedures for locating officials who are offsite at the time of the emergency and transporting them back to the City, and also establishing a means to enable communication and keep the lines open at all times with the City Manager as Director of Emergency Services, in the event that he is offsite and is not able to leave the area. There was also discussion regarding establishing procedures to utilize local resources such as the restaurants to provide

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food, and pharmacies to provide medical supplies.

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

1. Nancy Conley, resident, commented to keep the communication open with AVCA for resources.
2. Marcelle Fortier, resident, requested emergency materials and handouts be made available for residents and the general public at City events.

Hearing no further response, public comments were closed.

This item is for informational purposes only. No action is required at this time.

10. APPROVAL OF PROJECT FOR RECREATIONAL TRAILS PROGRAM (RTP)  
GRANT FUNDING

City Manager Mark Pulone provided background and Director of Community Services Helen Wilson briefed the staff report dated September 19, 2008. It was noted that Ross Chun, AVCA president, is in the audience to answer questions.

Questions and discussion ensued regarding legal and procedural implications, setting precedence for future grants, costs incurred by the City, AVCA's responsibilities, grant administration, and transferring or reimbursing funds to AVCA if the grant is approved.

Ross Chun, AVCA president, responded to questions regarding AVCA's request and responsibilities and commented that their attorney is working on a document outlining procedural provisions including AVCA's financial responsibility.

City Attorney Smith noted that the Memorandum of Understanding with AVCA about the mechanics is not part of the grant application process and will come back for Council consideration.

Councilmember Cave provided some history of the City's position at incorporation about AVCA and Aliso Canyon Community Park noting that the idea of assisting AVCA to apply for grant funding for park and recreational improvements was contemplated at that time since AVCA is not a government entity and cannot apply for state grants.

Discussion continued regarding the grant process and policies.

Councilmember Tsunoda noted he would like to have a copy of the City's grant policy for his information.

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**MOTION: COUNCILMEMBER FICKE MOVED AND MAYOR PRO TEM GARCIA SECONDED TO AUTHORIZE THE CITY MANAGER TO SUBMIT THE NECESSARY RTP PROJECT APPLICATION TO THE STATE OF CALIFORNIA AND DIRECT STAFF TO WORK WITH AVCA TO PROCEED WITH IMPLEMENTATION OF THE PROJECT UPON THE STATE'S APPROVAL; AUTHORIZE THE CITY MANAGER TO EXECUTE ALL AGREEMENTS, AS REVIEWED AND APPROVED BY THE CITY ATTORNEY WITH AVCA AS REQUIRED FOR THE PROJECT APPLICATION; AND, ADOPT THE RESOLUTION ENTITLED BELOW:**

**RESOLUTION NO. 2008-XXX, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE CITY OF ALISO VIEJO TO APPLY FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM (RTP).**

**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 provided an update on the State budget that was passed by legislature pending approval of the Governor.

#### ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

##### Tsunoda:

- None at this time.

##### Cave:

- Announced she will be absent at the October 1, 2008 Council meeting due to a scheduling conflict to attend the official incorporation meeting of the City of Menifee, the newest City in Riverside County, as its interim Planning Director. She also requested the Mayor's approval to present them with a Certificate of Congratulations as a new city.

##### Ficke:

- Announced he will also be absent at the October 1, 2008 Council meeting due to a scheduling conflict.

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Garcia:

- Commented about the USPS public meeting last night and encouraged the public to read the article advocating the USPS that has been posted on line. He expressed concern about the lack of involvement of the local news media regarding this matter.

Phillips:

- Thanked staff for all their work in preparing for last night's USPS meeting and also thanked the speakers for their support and comments. He encouraged the public to let the Council know if there are any groups that would like them to speak regarding this matter. He spoke to the Covington group early this week.
- Attended the 9/11 ceremony at the fire house.
- Encouraged the public to participate in the coastal clean up event this weekend.
- Will be attending and voting at the League Conference on Saturday morning; invited the rest of the Council to join him.
- Invited the public to attend Founder's Day on September 27 and encouraged the Council to arrive early to allow time to talk to citizens about the USPS project.

ADJOURNMENT: The Mayor adjourned the regular Council meeting at 8:35 p.m. and convened the Aliso Viejo Public Facilities Corporation Board of Directors Annual Meeting to be held in this same location.

Respectfully submitted,

Approved by:

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SUSAN A. RAMOS  
CITY CLERK

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WILLIAM A. PHILLIPS  
MAYOR