

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
OCTOBER 1, 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
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: CARMEN CAVE
GREG FICKE

STAFF PRESENT: MARK A. PULONE, CITY MANAGER
JAMIE RAYMOND, 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, ONE POTENTIAL CASE, PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C)
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTIES – 632-141-06; AGENCY NEGOTIATOR: CITY MANAGER AND CITY ATTORNEY; NEGOTIATING PARTIES: UNITED STATES POSTAL SERVICE; UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT; 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.

AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:30 p.m., welcomed the public to the meeting, and requested the City Clerk to call the roll.

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ABSENT: COUNCIL MEMBERS: CARMEN CAVE
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STAFF PRESENT: MARK A. PULONE, CITY MANAGER
JAMIE RAYMOND, CITY ATTORNEY
SUSAN A. RAMOS, CITY CLERK
GLENN YASUI, DIRECTOR OF ADMINISTRATIVE SERVICES
GINA THARANI, DIRECTOR OF FINANCE
GENIA GARCIA, DIRECTOR OF PLANNING SERVICES
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIR.
LT. RICH PADDOCK, DIRECTOR OF POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Alex and Ryan Wisener led the pledge of allegiance.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

There was 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;
- The environmental review and comment period was extended to October 23, 2008;
- The City is continuing its review of the EIS
- 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;
- USPS rejected the City's offer to purchase the property
- City is continuing to provide updates at City Council and Planning Commission meetings

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2. PROCLAMATION – FIRE PREVENTION WEEK, OCTOBER 5 – 11, 2008 –

Mayor Phillips presented the proclamation to Battalion Chief Roger James and the Engine 57 crew. Battalion Chief James expressed thanks and provided comments about fire programs.

3. PROCLAMATION – READ FOR THE RECORD DAY, OCTOBER 2, 2008 -

Mayor Phillips presented the proclamation to Marcia Tungate, Programs Administrator for READ/Orange County. Ms. Tungate expressed thanks and appreciation and provided information about the program

4. RECOGNITION AND PRESENTATION TO ALEXA WISENER, FOR REPRESENTING THE CITY ON TEAM USA AT THE BATON TWIRLING WORLD CHAMPIONSHIPS IN APRIL 2009

Mayor Phillips presented the certificate to Alexa Wisener. Ms. Wisener responded to the Mayor's questions about her awards and achievements. Ms. Wisener gave a sample performance of her award-winning baton twirling routine.

5. RECOGNITION AND PRESENTATION TO BOB AND LUPE LAVIN FOR HOSTING THE ALISO VIEJO LITTLE LEAGUE SAN BERNARDINO TOURNAMENT

Mayor Phillips presented Bob and Lupe Lavin each with a certificate. The Lavin's expressed thanks and appreciation and Mr. Lavin gave a background about their involvement and participation.

ADDITIONS, DELETIONS, AND REORDERING OF THE AGENDA

Mayor announced that Public Hearing Agenda Item No.13 would be continued to the next regularly scheduled meeting of October 15, 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 Tsunoda requested to pull Agenda Item No. 9, Treasurer's Statement for August 2008, for comments. No member of the public requested that an item be removed for discussion.

MOTION: MAYOR PRO TEM GARCIA MOVED AND COUNCILMEMBER TSUNODA SECONDED TO APPROVE THE FOLLOWING CONSENT CALENDAR ITEMS NO. 6 THROUGH 8 AND 10 THROUGH 12:

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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 – REGULAR MEETING OF SEPTEMBER 17, 2008

Approved the Minutes as submitted.

8. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued September 11, 2008 in the amount of \$95,904.33 and Accounts Payable checks issued September 18, 2008 in the amount of \$809,594.78.

10. BIENNIAL REVIEW AND AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

Received and filed the Biennial Notice and adopted the following resolution entitled:

RESOLUTION NO. 2008-XX, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED APPENDIX TO THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

11. PLANNING COMMISSION ITEMS OF SEPTEMBER 9, 2008 MEETING

Reviewed and approved the September 9, 2008 decisions.

12. ETHICS AND FRAUD PREVENTION POLICIES

Approved and adopted the Ethics and Fraud Prevention policies.

MOTION CARRIED 3-0, COUNCILMEMBERS CAVE AND FICKE ABSENT.

END OF CONSENT CALENDAR

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REMOVED FROM CONSENT CALENDAR

9. TREASURER'S STATEMENT - AUGUST 2008

Councilmember Tsunoda removed this item from the consent calendar to comment about the City's financial standing in light of the current economic conditions.

Questions and discussion ensued regarding the security of the City's assets, the status of the bank transfer to JP Morgan Chase, new owner of Washington Mutual, and the status of the banking services RFP for the Aquatic and Conference Centers and for the City. Staff expressed that the City's liquid assets are secure and safe, that the banking services RFP process for the Aquatic and Conference Centers is moving forward and the banking services RFP process for the City will be evaluated after the transfer from Washington Mutual to JP Morgan Chase has settled.

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

MOTION: COUNCILMEMBER TSUNODA MOVED AND MAYOR PRO TEM GARCIA SECONDED TO APPROVE THE AUGUST TREASURER'S STATEMENT AS PRESENTED. MOTION CARRIED 3-0, COUNCILMEMBERS CAVE AND FICKE ABSENT.

PUBLIC HEARING ITEM NO. 13

13. ADOPTION OF AN OFFICIAL ZONING MAP TO ESTABLISH ZONING DISTRICTS FOR EACH PARCEL OF LAND IN THE CITY OF ALISO VIEJO

Mayor Phillips announced this item would be continued to October 15, 2008.

Mayor Phillips opened the public hearing. He asked if anyone wished to address the City Council on this matter. Hearing no further response, the public hearing was continued to October 15, 2008.

MOTION: MAYOR PRO TEM GARCIA MOVED AND COUNCILMEMBER TSUNODA SECONDED TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING ON OCTOBER 15, 2008. MOTION CARRIED 3-0, COUNCILMEMBERS CAVE AND FICKE ABSENT.

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DISCUSSION ITEM NOS. 14 AND 15

14. AWARD OF CONTRACT TO RJ NOBLE COMPANY FOR THE ALISO VIEJO CREEK ROAD REHABILITATION PROJECT BETWEEN EL TORO ROAD AND EASTWING

Director of Public Works John Whitman briefed the staff report dated October 1, 2008.

Discussion ensued regarding the signs that will be posted for start and completion dates and possible weather problems during the project start date.

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

MOTION: COUNCILMEMBER TSUNODA MOVED AND MAYOR PRO TEM GARCIA SECONDED TO AWARD A CONTRACT IN THE AMOUNT OF \$536,075 TO RJ NOBLE COMPANY AS THE LOWEST RESPONSIBLE BIDDER FOR THE SUBJECT PROJECT; AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH RJ NOBLE COMPANY; AND, AUTHORIZE CITY STAFF TO MAKE TOTAL COMPENSATION TO RJ NOBLE COMPANY UP TO \$589,700 (10% ABOVE THE CONTRACT AMOUNT) TO ALLOW FOR CONTINGENCIES. MOTION CARRIED 3-0, COUNCILMEMBERS CAVE AND FICKE ABSENT.

15. AWARD OF CONTRACT TO LH ENGINEERING CO., INC. FOR THE TOWN CENTER LOOP PEDESTRIAN ENHANCEMENT PROJECT

Director of Public Works John Whitman briefed the staff report dated October 1, 2008.

Questions and discussion ensued regarding procedures for bid protests and the construction schedule during the holidays.

Council requested staff to survey and review other cities regarding their bid protest policy and procedures and to include in future staff reports all information pertaining to the bid protest, if one exists.

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

MOTION: COUNCILMEMBER TSUNODA MOVED AND MAYOR PRO TEM GARCIA SECONDED TO AWARD A CONTRACT IN THE AMOUNT OF \$570,658 TO LH ENGINEERING CO., INC. AS THE LOWEST RESPONSIBLE BIDDER FOR THE SUBJECT PROJECT; AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH LH ENGINEERING AND, AUTHORIZE CITY STAFF TO MAKE TOTAL COMPENSATION TO LH ENGINEERING UP TO \$627,723 (10% ABOVE THE CONTRACT AMOUNT) TO ALLOW FOR CONTINGENCIES. MOTION CARRIED 3-0, COUNCILMEMBERS CAVE AND FICKE ABSENT.

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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. Hearing no response, Mayor Phillips closed community input.

CITY MANAGER'S REPORT

City Manager Pulone reported that the AVCA recreation trail grant has been mailed to and received by the State. He updated the Council on the approval of the State budget, noting that the COPS program is fully funded in the budget.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda:

- Commented on SB 375 (Steinberg) and requested a report back from Townsend regarding the implementation process for Aliso Viejo.

Garcia:

- Attended Founder's Day and expressed thanks to staff and the volunteers for a good event.
- Encouraged the public to provide comments to the USPS regarding the proposed project and stay tuned on the updates.

Phillips:

- Attended Founder's Day and Creek Clean Up Day and expressed thanks to staff and volunteers for a good event.
- Attended the League of California Cities conference in Long Beach on Saturday and brought back good informational literature and materials.
- Need skilled volunteers to help paint the FRC on October 3 and 4 at 7 – 2 pm.
- Announced the Walk to School Days for Wood Canyon Elementary and Oak Grove Elementary on October 8 and 10 respectively.

ADJOURNMENT: The Mayor adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

WILLIAM A. PHILLIPS
MAYOR