

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
NOVEMBER 5, 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 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: 29 and 31 Santa Barbara
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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3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
Significant Exposure to Litigation/Potential Initiation of Litigation
Number of potential cases: (1)
Adverse: ClubCorp
Glenwood at Aliso Viejo Development Agreement Public/Private Golf
Dispute

AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:05 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 FICKE
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: NONE

STAFF PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
SUSAN A. RAMOS, CITY CLERK
GINA THARANI, DIRECTOR OF FINANCE
GENIA GARCIA, DIRECTOR OF PLANNING SERVICES
WAYNE LOFTUS, PLANNING CONSULTANT
HELEN WILSON, DIRECTOR OF COMMUNITY SERVICES
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIR.
LT. RICH PADDOCK, DIRECTOR OF POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Bruce Stevens, Commander, VFW Post 2660 led the pledge of allegiance.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

City Attorney Smith stated 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:

- The deadline for submitting comments on the draft Environmental Impact Statement or EIS was October 23, 2008. The City and over 200 residents sent

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comments to the USPS outlining concerns over the impacts of the proposed facility.

- Due to the deficiencies identified in the EIS, the City recommended that USPS conduct further analysis and release a new draft for public review and comment. To date, the USPS has not indicated if they will comply with the City's recommendation or issue responses to the submitted comments.
- Strongly encourage residents to continue to contact their federal representatives along with the Post Master General. Contact information is posted on the City's website. The City is working with its federal representatives to help ensure the City's concerns are addressed.
- Check the City's website and subscribe to E-News for updates. In addition, updates will be provided at the City Council and Planning Commission meetings.

2. COUNCIL RECOGNITION AND PRESENTATION FOR CITY'S VETERANS RECOGNITION PROGRAM

Mayor Phillips commended the men and women who have served and continue to serve in the Armed Forces for their courage and patriotism. He noted that the City established the Aliso Viejo Veterans' Recognition program in honor of the service and sacrifices the men and women affiliated with our City have made to our great nation.

Jorge Swank, expressed comments about his experiences as a veteran and paid tribute to the men and women who have served and are currently serving.

Mayor Phillips asked Mayor Pro Tem Garcia to join him in presenting the certificates of recognition to the following:

Darren Braham	Todd Bramwell	Bruce Burns	James Burns
William T. Conley	Mark Daigle	Raymond Del Leon	Gracie Duran
Robert C. Eckenrode	Craig Fitterer	Richard Franco	Greg Gantman
Donald A. Garcia	Edward Hanke III	Raymond Jackson	James E. Jeter
Jeffrey Jones	James T. Josway		

Travis James Heximer - The Heximer family accepted the honor on behalf of their son who is on active duty overseas.

Michael Allan Heximer II - The Heximer family accepted the honor on behalf of their son who is on out-of-state duty.

Geoffrey S. Kretschmer - Anita Kretschmer accepted the honor on behalf of her husband who is on active duty overseas.

Guy C. Lamunyon	Nanette Loft	Mike Matto	
Dan McLain	Dave Murphy	Dan A. Newkirk	Mark Ochoa
John D. Pavlik	Pax Perez	Elizabeth Quintana	Jason Quintana
Robert L. Richards	Weldon Smith	Jack Songer	John Steward

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Jorge A. Swank
Michelle Williams

Jon Tomer

Gil Torrez

John Trimmer

Vincent Marchitelli was recognized posthumously by the City Council for his service and contributions to our nation - Rob Sears, a family friend accepted the certificate in his honor.

Some of the veterans were unable to attend due to a scheduling conflict. Their certificates will be forwarded to them by mail.

Mayor Phillips acknowledged the following veteran groups and representatives for their support:

VFW Post 2660, Bruce Stevens, Commander
VFW Post 6024, Tom Goodall, Commander
Saddleback College Foundation, Michelle Anstadt, Director
Saddleback College Foundation, Nancy Cho, Project Specialist

Nancy Cho of the Saddleback College Foundation gave a brief report of the Veterans Memorial that is currently under construction at the college and presented the City with a model of the structure in honor of its Veterans Recognition Program.

Mayor Phillips expressed thanks and appreciation to the Soka University Orchestra Music Club, Storyteller Productions/Library of Congress, Veterans History Project, and Vitas Innovative Hospice Care for the refreshments.

Mayor Pro Tem Garcia presented closing remarks to honor and pay tribute to the men and women who have served and are currently serving. He invited everyone to partake in a Veterans reception in the front lobby before the regular meeting resumes at approximately 7:40 p.m.

ADDITIONS, DELETIONS, AND REORDERING OF THE AGENDA

Mayor Phillips moved Agenda Item No.15 before Agenda Item No. 10 for discussion purposes since the items are related.

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 pull Agenda Item No. 9, Planning Commission Decisions of October 14, 2008, for comments. No member of the public requested that an item be removed for discussion.

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MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE THE FOLLOWING CONSENT CALENDAR ITEMS NO. 3 THROUGH 8:

3. 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.

4. MINUTES – REGULAR MEETING OF OCTOBER 15, 2008

Approved the Minutes as submitted.

5. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued October 9, 2008 in the amount of \$354,159.98, Accounts Payable checks issued October 16, 2008 in the amount of \$240,106.76, and Accounts Payable checks issued October 23, 2008 in the amount of \$229,923.33.

6. TREASURER'S STATEMENT – SEPTEMBER, 2008

Approved the September 2008 Treasurer's Statement.

7. COMMUNITY FACILITIES DISTRICT (CFD) NO. 2005-01 (GLENWOOD AT ALISO VIEJO) ANNUAL REPORT FOR FISCAL YEAR 2008/09

Accepted and filed the Community Facilities District No. 2005-01 Annual Report for Fiscal Year 2008-09.

8. ALERT OC EMERGENCY PUBLIC MASS NOTIFICATION SYSTEM

Authorized the City Manager to sign the Memorandum of Understanding between the County of Orange and the City of Aliso Viejo for use of the Countywide Emergency Public Mass Notification System, "AlertOC".

MOTION UNANIMOUSLY CARRIED.

END OF CONSENT CALENDAR

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REMOVED FROM CONSENT CALENDAR

9. PLANNING COMMISSION ITEMS OF OCTOBER 14, 2008 MEETING

Councilmember Cave removed this item from consent calendar and suggested continuing it to the next meeting for report correction and clarification of the Planning Commission meeting dates and the attachment of the Planning Commission minutes of October 14, 2008.

MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM GARCIA SECONDED TO CONTINUE AGENDA ITEM NO. 9. MOTION UNANIMOUSLY CARRIED.

The following item no. 15 was moved out of order to this part of the agenda.

DISCUSSION

15. CREATION OF A NEW ZONE WITHIN EXISTING BUSINESS PARK ZONES

City Attorney Scott Smith briefed the staff report dated November 5, 2008. He noted that if Council would like staff to further explore and look into the segmentation of the new zone, the matter would return to the Planning Commission for review and consideration and once a determination has been made on the new zone, staff would then recommend that the zoning map under agenda item no. 10 also be brought back at a future date.

Councilmember Cave expressed consideration of zoning designations within business parks for wet labs, dry labs and clean rooms to support incubator biomedical technology type businesses.

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

THERE WAS COUNCIL CONSENSUS TO PROVIDE DIRECTION TO STAFF TO CONSIDER ZONING DESIGNATIONS FOR WET LABS, DRY LABS AND CLEAN ROOMS IN ITS REVIEW OF THE NEW ZONING DESIGNATION WITHIN EXISTING BUSINESS PARKS.

PUBLIC HEARING ITEM NOS. 10 THROUGH 13

10. ADOPTION OF AN OFFICIAL ZONING MAP ESTABLISHING ZONING DISTRICTS FOR EACH PARCEL OF LAND IN THE CITY OF ALISO VIEJO (CONTINUED FROM OCTOBER 15, 2008 COUNCILMEETING)

Mayor Phillips opened the public hearing. There being no public testimony, the public

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hearing was continued.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER FICKE SECONDED TO TABLE AGENDA ITEM NO. 10 AT THIS TIME PENDING DETERMINATION OF THE NEW ZONING DESIGNATION AS DISCUSSED UNDER ITEM NO. 15. MOTION UNANIMOUSLY CARRIED.

11. REVIEW OF DRAFT HOUSING ELEMENT (CONTINUED FROM OCTOBER 15, 2008 COUNCIL MEETING)

Mayor Phillips opened the public hearing. There being no public testimony, the public hearing was continued.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO CONTINUE THIS ITEM TO THE NOVEMBER 19, 2008 COUNCIL MEETING. MOTION UNANIMOUSLY CARRIED.

12. SECOND AMENDMENT TO GLENWOOD AT ALISO VIEJO DEVELOPMENT AGREEMENT AND AMENDMENT TO THE GLENWOOD AT ALISO VIEJO SPECIFIC PLAN REGARDING PUBLIC PLAY AT THE GOLF COURSE

When Councilmember Cave pulled consent item no. 9 and continued the matter to the next meeting, she also suggested continuing this item because the item is contained in the report of item no. 9.

Mayor Phillips opened the public hearing. There being no public testimony, the public hearing was continued.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO CONTINUE THIS ITEM TO THE NOVEMBER 19, 2008 COUNCIL MEETING. MOTION UNANIMOUSLY CARRIED.

13. REQUEST TO APPROVE PLANNED SIGN PROGRAM SPP08-03 FOR PERMANENT SIGNAGE AT GLENWOOD AT ALISO VIEJO

Larry Lawrence, Planning Consultant, briefed the staff report dated November 5, 2008. He noted that Damien Delany, representing the applicant, is present this evening to respond to questions. He also noted that staff has placed a letter on the Council dais from Shea Homes dated September 8, 2008, pertaining to the Community Identification Sign for the Glenwood at Aliso Viejo community, as part of this item.

Questions and discussion ensued regarding the location and content of monument and offsite signs, signage provisions in the specific plan, maintenance agreement provisions for the monument sign in the median and public right of way, and a photo simulation depicting the signs.

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Mr. Delany responded that the HOA will maintain the signs and the applicant is willing to explore alternatives and would include a visual photo simulation of the signs.

Councilmember Cave recommended approving the Type A community identification sign on the existing monument in the median of Golf Drive at Glenwood Drive reading "Glenwood At Aliso Viejo" because it was contemplated as depicted in Figure 5-3 of the Specific Plan and having previously participated in the review of this project. She also recommended either not taking any action on Type B Commercial sign on the existing wall on the west side of Golf Drive and Glenwood, or alter the verbiage to read "Golf Course" since there will be public access and with a generic name as opposed to a commercial name, it would be permitted under the generic provisions of sign ordinance. She also noted that the design would match the Aquatic and Conference Center signs and would not contain a logo.

Councilmember Tsunoda commented regarding corporate sponsorship and adding the company's name to the government official signs. City Attorney responded it would require an amendment to the provisions in the specific plan.

Mayor Phillips opened the public hearing. There being no public testimony, the public hearing was closed.

Mr. Delany expressed agreement with the Council's recommendation.

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE THE PLANNED SIGN PROGRAM FOR PERMANENT SIGN TYPES A, C, D, AND E FOR THE GLENWOOD AT ALISO VIEJO COMMUNITY, AND SIGN TYPE B AMENDED TO READ "GOLF COURSE" WITH NO LOGO AND WILL BE CONSISTENT IN DESIGN, SIZE AND LETTERING TYPE TO MATCH THE AQUATIC AND CONFERENCE CENTER MONUMENT SIGNS. SHE NOTED THAT PLACEMENT OF THE CITY SEAL WOULD BE ACCEPTABLE. MOTION UNANIMOUSLY CARRIED.

DISCUSSION ITEM NOS. 14 AND 16 (ITEM 15 WAS MOVED UP)

14. RFP FOR LANDSCAPE PLAN CHECK SERVICES

John Whitman, Director of Public Works, briefed the staff report of November 5, 2008.

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

MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO APPROVE THE REQUEST FOR PROPOSAL FOR CHECKING

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LANDSCAPE PLANS, AND DIRECT STAFF TO ADVERTISE THE RFP AND RECOMMEND A CONTRACTOR FOR CITY COUNCIL SELECTION. MOTION UNANIMOUSLY CARRIED.

16. **MODIFICATION OF AFFORDABLE HOUSING IMPLEMENTATION PROGRAM (AHIP) (FOR VANTIS AND GLENWOOD AT ALISO VIEJO DEVELOPMENT AGREEMENTS)**

City Attorney Scott Smith briefed the staff report dated November 5, 2008.

Discussion ensued regarding support by the City's adhoc committee, compliance with all state and federal regulations, and the status of the City's regional housing needs assessment.

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

MOTION: COUNCILMEMBER CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE THE MODIFICATIONS TO THE AHIP. MOTION UNANIMOUSLY CARRIED.

City Attorney Smith clarified that the modified Glenwood Development Agreement will come back to the Council for approval.

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.

1. Robert Van Horn, Cox representative, commented about digital transition and options provided by Cox. He distributed public handouts to the City Clerk.

Mayor Phillips suggested Cox contact the Covington and Wellington senior housing residents regarding this matter.

Hearing no further response, Mayor Phillips closed community input.

CITY MANAGER'S REPORT

City Manager Pulone reported:

- Staff met with representatives from Shea earlier this week regarding the AHIP modifications and they already have several affordable units built and are anxious to move forward with the sale of these units by early next year.

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- Latest edition of the City newsletter will be going out to the residents featuring the transition of the animal services to the City of Mission Viejo effective January 1, 2009.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Ficke

- Attended two economic conferences (UCLA Anderson School and Cal State University OCBC Economic Forecast) and provided highlights.

Tsunoda:

- Noted he would be putting together a plan for an outside corporate revenue enhancement for the Aquatic and Conference Centers to present to Council for consideration in the next few weeks.

Cave:

- Attended the AVCA Harvest Event with the Mayor.
- Attended a subcommittee for TCA to review preparation of an RFP or renew existing contracts.

Garcia:

- Requested a status update regarding a newspaper article on street safety.

Director of Public Works Department provided an update on the pedestrian crosswalk at the intersection of Wood Canyon at Knollwood.

Councilmember Cave commented that the topic came up at walk to school day and one of the problems are motorists who do not practice safety on the streets and causing a dangerous situation.

Mayor Pro Tem Garcia recommended issuing a citation to the unsafe motorists.

- Suggested to Councilmember Tsunoda to include some sample of guidelines from another City for the corporate revenue enhancement plan.
- Asked staff to plan ahead for warm weather for the snow fest event.

Phillips:

- Attended the AVCA adhoc meeting regarding restrooms at Woodfield Park. He commented that suggestions were made to use some of the City's development impact fees or community enhancement fees to help construct the restrooms at Woodfield. He suggested adding this item to a future Council agenda for further direction.

Councilmember Tsunoda suggested to include in the staff report information regarding AVCA's financial status in order to better understand their financial position.

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Councilmember Cave suggested looking at Woodfield Park from a big picture approach and consider looking at a redesign of the park to include restrooms and parking issues.

THERE WAS CONSENSUS TO PLACE THIS ITEM ON A FUTURE COUNCIL AGENDA FOR REVIEW AND CONSIDERATION.

- Thanked Mayor Pro Tem Garcia for his comments during the Veteran's event and staff for their hard work and a good event.
- Asked residents to check out the upcoming City newsletter for the Snow Fest event and the transition for animal services from the County to the City of Mission Viejo,
- Announced that Karl Warkomski, former Councilmember and Mayor, will be making a presentation at the next meeting regarding all of the open space and related activities in our community.
- Commended Councilmember Tsunoda for his 81% attendance record at Vector Control District meetings, as the City's representative.

ADJOURNMENT: The Mayor adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

WILLIAM A. PHILLIPS
MAYOR