

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
APRIL 16, 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
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: GREG A, FICKE

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 6:02 p.m., to consider the following matters:

1. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation, one potential case, pursuant to Government Code Section 54956.9(b)(1).
2. Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation, two potential cases, pursuant to Government Code Section 54956.9(c).

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.

PRESENT: COUNCIL MEMBERS: WILLIAM A. PHILLIPS
DONALD A. GARCIA
CARMEN CAVE
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: GREG A. FICKE

City Clerk Ramos stated that Councilmember Ficke notified the City in advance of his absence.

APRIL 16, 2008

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 FINANCIAL SERVICES/
CITY TREASURER
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIR.
HELEN WILSON, DIRECTOR OF COMMUNITY SERVICES
LT. RICH PADDOCK, DIRECTOR OF POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Lt. Rich Paddock led the assembly in the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION: City Attorney Smith commented that the City Council appointed Mayor Pro Tem Garcia and Councilmember Cave to serve on an adhoc committee to meet with the operator developer of the Emerald/Glenwood Development project.

SPECIAL PRESENTATIONS

1. PROCLAMATION—BRAVO FOR BRAVERY DAY

Mayor Phillips presented the proclamation to Paulette Platis, Financial Development Director of the American Red Cross of Orange County. Ms. Platis expressed thanks and announced that the event will be held on June 4, 2008 at the Marconi Automotive Museum in Tustin, California, to recognize the heroic efforts and honor the firefighters who were involved in the Santiago fires. She invited everyone to attend this event and visit the American Red Cross website at www.oc-redcross.org for additional information.

2. PROCLAMATION—TELECOMMUNICATOR'S WEEK proclaiming April 13-19, 2008 as Telecommunicator's Week in Aliso Viejo; to be accepted by Lt. Rich Paddock, Chief of Police Services.

Mayor Phillips presented the proclamation to Lieutenant Rich Paddock, Chief of Police Services and recognized the efforts of 911 dispatchers and their role to respond to emergencies. Lieutenant Paddock expressed thanks and echoed the comments of Mayor Phillips in recognizing the critical role of dispatchers.

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 that Agenda Item No. 9, Amendment No. 1 to Cooperative Agreement No. C-6-0742 between the City of Aliso Viejo and the Orange County Transportation Authority (OCTA), be removed

APRIL 16, 2008

for comment. No member of the public requested that an item be removed.

MOTION: ON MOTION BY COUNCILMEMBER CAVE AND SECONDED BY MAYOR PRO TEM GARCIA, THE CITY COUNCIL TOOK THE FOLLOWING ACTIONS ON THE FOLLOWING CONSENT CALENDAR ITEMS:

3. WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS: Approved the reading by title only of all ordinances and resolution wherein the titles appear on the public agenda; said titles determined to have been read by title, and further reading was waived.

4. MINUTES—ADJOURNED REGULAR MEETING AND REGULAR MEETING HELD ON MARCH 19, 2008: Approved the March 19, 2008 Adjourned Regular (Workshop) and Regular Meeting minutes.

5. ACCOUNTS PAYABLE: Ratified the Accounts Payable checks issued on March 27, 2008 in the amount of \$129,773.66 and on April 3, 2008 in the amount of \$81,074.50.

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING ORDINANCE NO. 2008-094 AND ARTICLE 1 OF DIVISION 9 OF CHAPTER 7 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE AS ADOPTED BY THE CITY OF ALISO VIEJO AS DESCRIBED BELOW: Adopted for second reading the following entitled Ordinance:

ORDINANCE NO. 2008 - 095, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING ORDINANCE NO. 2008-094 AND ARTICLE 1 OF DIVISION 9 OF CHAPTER 7 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE AS ADOPTED BY THE CITY OF ALISO VIEJO REGARDING THE ESTABLISHMENT OF A PLANNING COMMISSION AND PARTICIPATION IN DECISIONS OF THE DEVELOPMENT REVIEW COMMITTEE AS NON-VOTING MEMBERS

7. RELEASE OF BONDS FOR SUMMIT 5 GRADING – TRACT 15736 – PARKER PROPERTIES: Adopted the following entitled Resolution:

RESOLUTION NO. 2008-010, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, EXONERATING THE GRADING BONDS ASSOCIATED WITH SUMMIT 5 TRACT 15736

Roll Call Vote:

AYES: COUNCILMEMBERS: PHILLIPS, GARCIA, CAVE, AND TSUNODA

APRIL 16, 2008

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: FICKE

8. GLENWOOD DEVELOPMENT PROJECT – CITY FACILITY NAMES: Adopted the following entitled Resolution:

RESOLUTION NO. 2008-011, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ESTABLISHING THE NAMES IN GLENWOOD DEVELOPMENT PROJECT FOR A NEW PUBLIC PARK, AQUATIC CENTER AND CONFERENCE CENTER

Roll Call Vote:

AYES: COUNCILMEMBERS: PHILLIPS, GARCIA, CAVE, AND TSUNODA

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: FICKE

MOTION CARRIED 4-0, WITH COUNCILMEMBER FICKE ABSENT, FOR CONSENT CALENDAR ITEMS 3 THROUGH 8.

The Mayor declared Resolution Nos. 2008-010 and 2008-011 duly passed and adopted.

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

9. AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT NO. C-6-0742 BETWEEN THE CITY OF ALISO VIEJO AND THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)

Councilmember Tsunoda removed the matter from the Consent Calendar. He commented that the amendment would extend the deadline to June 30, 2008 to submit the preliminary needs assessment plan for the Go-Local project which is to be funded by OCTA. He reported that representatives from Soka University have expressed an interest to include them in the Town Center Metrolink route. Councilmember Tsunoda suggested adding Soka University to the Town Center Metrolink route as the Go-Local project moves forward for implementation.

MOTION: MOTION BY COUNCILMEMBER TSUNODA AND SECONDED BY MAYOR

APRIL 16, 2008

PRO TEM GARCIA TO AUTHORIZE THE MAYOR TO EXECUTE THE SAID AMENDMENT, WITH THE COMMENTS SO NOTED.

MOTION CARRIED 4-0, WITH COUNCILMEMBER FICKE ABSENT.

DISCUSSION ITEMS

10. UPDATE ON CITY MARKETING AND OUTREACH EFFORTS

City Manager Pulone briefed the staff report dated April 6, 2008 and deferred additional comments to Jessica Spaulding of Amies Communications.

Ms. Spaulding provided background, objectives, methodology and information about the results of the stakeholder meetings. She noted that based on the comments received from residents and businesses and other findings, the following slogan was created: Life Works Here, Business Lives Here. She covered a host of options and tools to implement the City's marketing and branding efforts including the production of a video presentation, development of a marketing brochure, creation of an Economic Development website, community-wide special events, Aliso Viejo Newsletter, local advertising, Town Center kiosks, and the Ambassador/Stakeholder Letter Program.

City Manager Pulone clarified that staff is recommending to move forward with the proposed activities including the development of a marketing brochure and video in Fiscal Year 2007-08, and to consider the activities for Fiscal Year 2008-09 at a future date as part of the overall communications and marketing plan.

Ms. Spaulding responded to questions about video distribution and brochure contents.

Councilmember Tsunoda expressed concern about approving funding for something he has not seen.

Mayor Pro Tem Garcia encouraged staff to combine efforts with the City's current communications consultant to avoid unnecessary duplication of work and ideas and reduce costs. He concurred with Councilmember Tsunoda regarding obtaining samples of the video and the brochure.

Ms. Spaulding suggested they could bring back an outline of what would be in the brochure and the video and submit samples of other brochures and videos they have developed for other clients.

Mayor Phillips opened the item for public comment. Hearing no response, public comment was closed.

APRIL 16, 2008

MOTION: MOTION BY COUNCILMEMBER TSUNODA AND SECONDED BY COUNCILMEMBER CAVE TO ACCEPT THE UPDATE FROM AMIES COMMUNICATIONS; TO DIRECT STAFF TO BRING BACK ADDITIONAL INFORMATION REGARDING THE PROPOSED ACTIVITIES FOR FISCAL YEAR 2007-08 INCLUDING SAMPLES OF A BROCHURE AND A VIDEO AS OUTLINED IN THE STAFF REPORT, FOR IMPLEMENTATION THIS FISCAL YEAR; AND, BRING BACK IN FISCAL YEAR 2008-09, A COMPREHENSIVE REPORT OF THE IMPLEMENTATION OF THE CITY'S OVERALL COMMUNICATIONS AND MARKETING STRATEGIES IN CONJUNCTION WITH KT COMMUNICATIONS.

MOTION CARRIED 4-0, WITH COUNCILMEMBER FICKE ABSENT.

11. SR 73 CORRIDOR ENHANCEMENT PLAN

Director of Public Works/Engineering Whitman briefed the staff report dated April 16, 2008.

Questions and clarification ensued regarding the public/private partnership program, a timeframe for implementation, a policy document to set standards and specifications and establish a review process for the enhancement plan, and the priority list and associated maintenance costs for the Aliso Creek medians and interchange.

Councilmember Cave commented that if the implementation would take more than sixty days, the City could factor in the marketing and outreach budgeting efforts for next year and whether we should look at aggressively pursuing some of the businesses that were interested a few years ago that may have a current need because they have some vacant office space to market. She indicated it would be good to have a policy document before the end of this fiscal year but suggested perhaps the City might want to take it a little bit further and look at how aggressive it wants to pursue this plan.

Mayor Phillips opened the item for public comment. Hearing no response, public comment was closed.

MOTION: MOTION BY COUNCILMEMBER CAVE AND SECONDED BY COUNCILMEMBER TSUNODA TO 1) APPROVE THE PRIORITY PROGRAM; 2) ACCEPT FOR FILING THE FINAL REPORT FOR THE SR 73 CORRIDOR ENHANCEMENT PLAN; AND, 3) DIRECT STAFF TO COMPLETE AN IMPLEMENTATION POLICY DOCUMENT BY END OF THIS FISCAL YEAR.

MOTION CARRIED 4-0, WITH COUNCILMEMBER FICKE ABSENT.

APRIL 16, 2008

12. UPDATE ON PROPOSED ALISO VIEJO GRAND PRIX OF CYCLING TO BE HELD SATURDAY, JULY 12, 2008

Director of Community Services Wilson briefed the staff report dated April 16, 2008. She added that since the printing of the agenda, additional materials have been received from the applicant including the list of sponsor benefits and an update to the operations plan. She noted the applicant is present this evening.

Director Wilson responded to questions regarding the required materials that have been submitted to date, the approval process, in-kind contributions for the event, and contributions to AVCA for the July 4th event.

Mayor Phillips asked Travis Wilkerson, applicant, for comments regarding status of the application. Mr. Wilkerson responded that all of the materials have been submitted except for the approval letter from AVCA and sponsorship letter from the organization, which would be submitted before the end of April. He stated he does not see any big obstacle for this event except if the Council should postpone the date. He noted that the participant turnout is expected to be greater than average and they have more than enough volunteers for the event. He stated that once approval is obtained, notification would go out to the impacted parties including City Lights. He further stated that the goal of the event is to showcase the City and would include using the services available at Town Center.

Mayor Phillips opened the item for public comment and asked if Mr. Chun could provide an AVCA update.

1. Ross Chun, AVCA Board Member, expressed thanks for the City's support in their recent move to their new location at City Hall. He concurred with the status of the documents and is optimistic about getting all of them in on time for a review by the board. He also noted that AVCA will be communicating with the City Lights property manager to ensure that all concerns have been addressed.

There being no further responses from the public, Mayor Phillips closed public comment.

Questions and discussion ensued to clarify direction to staff and the appropriations for the title sponsorship.

City Manager Pulone clarified that the direct costs for the on site work the day of the event through Public Works and Police Services would be incurred in the 2008-09 fiscal year budget. He added that costs incurred for the application process between now and the end of the fiscal year are not direct costs and are incorporated in the current budget.

Councilmember Cave expressed concern for the applicant regarding appropriating the funds for title sponsorship in next fiscal year's budget and asked if there is another way to handle this. City Attorney Smith suggested entering into a letter of agreement with the

APRIL 16, 2008

applicant for title sponsorship.

MOTION: MOTION BY COUNCILMEMBER CAVE AND SECONDED BY MAYOR PRO TEM GARCIA TO DIRECT STAFF TO DRAFT A LETTER OF AGREEMENT FOR THE MAYOR'S SIGNATURE TO SPONSOR THE ALISO VIEJO GRAND PRIX EVENT WITH THE APPROPRIATE MONIES TO BE INCLUDED IN THE DRAFT BUDGET TO BE PRESENTED TO THE COUNCIL IN MAY.

MOTION CARRIED 4-0, WITH COUNCILMEMBER FICKE ABSENT.

13. AWARD OF CONTRACT FOR SLURRY SEAL PROJECT

Director of Public Works Whitman briefed the staff report dated April 16, 2008.

Questions and discussion ensued regarding rejection of bids, traffic control and inspection checks.

Councilmember Cave suggested staff notify UPS about the project schedule for Brookline Drive to avoid any problems with access and use of the street by the UPS trucks.

Mayor Pro Tem Garcia suggested marking the project signs with a date after the estimated completion date like August 1, 2008.

Mayor Phillips opened the item for public comment.

1. Vince Marchiatelli, resident, expressed concerns about the slurry seal project last year.

There being no further responses from the public, Mayor Phillips closed public comment.

MOTION: MOTION BY COUNCILMEMBER CAVE AND SECONDED BY MAYOR PRO TEM GARCIA TO 1) AWARD A CONTRACT IN THE AMOUNT OF \$496,326.03 TO PAVEMENT COATINGS COMPANY AS THE LOWEST RESPONSIBLE BIDDER FOR THE 2007-08 SLURRY SEAL PROJECT AND REJECT ALL OTHER BIDS; 2) AUTHORIZE THE CITY MANAGER TO EXECUTE A CONSTRUCTION SERVICES CONTRACT WITH PAVEMENT COATINGS COMPANY; AND, 3) AUTHORIZE CITY STAFF TO MAKE TOTAL COMPENSATION TO PAVEMENT COATINGS COMPANY UP TO \$545,958 (10 PERCENT ABOVE THE CONTRACT AMOUNT) TO ALLOW FOR CONTINGENCIES.

MOTION CARRIED 4-0, WITH COUNCILMEMBER FICKE ABSENT.

14. AWARD OF CONTRACT TO ABEAM CONSTRUCTION FOR THE IGLESIA PARK COMMUNITY CENTER RENOVATION PROJECT

APRIL 16, 2008

Director of Community Services Helen Wilson briefed the staff report dated April 16, 2008.

Councilmember Tsunoda restated his request for clarifying information about the rejection of bids.

Questions and discussion ensued regarding the proposed \$21,000 appropriation for the ten percent contingency, timing and impacts to operations and activities.

Mayor Phillips opened the item for public comment. Hearing no response, public comment was closed.

Councilmember Cave clarified that monies raised from the golf tournament are for programs not for overhead costs and that expenditure for rental purposes should come from the General Fund, not the Community Trust Fund. She noted the warrant register coded an FRC banner frame as a program related cost and it is not and should be re-coded.

Clarification was duly noted by staff.

MOTION: MOTION BY COUNCILMEMBER CAVE AND SECONDED BY MAYOR PRO TEM GARCIA TO1) ACCEPT MJ CONTRACTORS REQUEST TO WITHDRAW THEIR BID; 2) AWARD A CONTRACT IN THE AMOUNT OF \$457,900.00 TO ABEAM CONSTRUCTION INC. AS THE LOWEST RESPONSIBLE BIDDER FOR THE IGLESIA PARK COMMUNITY CENTER RENOVATION PROJECT BASE BID ITEMS AND REJECT ALL OTHER BIDS; 3) AUTHORIZE THE CITY MANAGER TO EXECUTE A CONSTRUCTION SERVICES CONTRACT WITH ABEAM CONSTRUCTION; 4) AUTHORIZE CITY STAFF TO MAKE TOTAL COMPENSATION TO ABEAM CONSTRUCTION UP TO \$503,700 (10 PERCENT ABOVE THE CONTRACT AMOUNT TO ALLOW FOR CONTINGENCIES; AND, 5) AUTHORIZE AN APPROPRIATION NOT TO EXCEED \$21,000 FROM THE GENERAL FUND UNRESERVED FUND BALANCE.

MOTION CARRIED 4-0, WITH COUNCILMEMBER FICKE ABSENT.

15. TRAVEL AND EXPENSE POLICY – CLARIFICATION REGARDING FUNDING OF MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS AND SUBSCRIPTIONS

City Attorney Scott Smith briefed the staff report dated April 16, 2008.

Discussion ensued regarding the use of travel budget for memberships and subscriptions not related or beneficial to City as a whole, permitting individual memberships for the purpose of reducing registration or travel costs, creating separate budget accounts for memberships and subscriptions, and agendaing requests for memberships and subscriptions, on a case by case basis, before the Council for

APRIL 16, 2008

approval.

City Attorney Smith commented that the travel expenses have not been difficult to administer because the current policy is clear. However, for memberships and subscriptions, as Councilmember Tsunoda stated, any Council member can submit their items of interest on a case by case basis to the City Council for funding approval. He further stated that as a general policy, staff can include language in the policy that memberships will be paid if it reduces the registration or travel costs, hence there will not be a need to create budget categories for memberships and subscriptions.

Mayor Phillips opened the item for public comment. Hearing no response, public comment was closed.

City Attorney Smith noted there is no motion or action required at this time. Staff will resubmit the proposed travel policy with amendments as discussed tonight.

16. TRUCK ROUTES

City Attorney Scott Smith briefed the staff report dated April 16, 2008.

Discussion ensued regarding safety hazards, sight triangles for vehicles, prohibitions in school zones, and alternate routes.

Mayor Phillips opened the item for public comment. Hearing no response, public comment was closed.

City Attorney Smith noted this is submitted for general Council information and there is action required at this time.

There was Council consensus to begin looking at the establishment of truck routes in the City. Councilmember Cave suggested considering sensitive uses such as schools and day care centers, in the review process. Mayor Phillips suggested considering an overlay for walkable trails.

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. The following person spoke:

1) Stacey Barnes, resident, requested the City to contribute to the Capistrano Unified School District Foundation fund raising campaign to help offset the budget shortfall for next school year due to the ten percent budget cuts from the State. She stated that the funds will go directly to maintaining current class sizes and teachers.

Hearing no additional response, Mayor Phillips closed public comments.

APRIL 16, 2008

CITY MANAGER'S REPORT

City Manager Pulone reported that a letter has been forwarded to the City of Mission Viejo summarizing the Council's action regarding animal services and anticipate them to agendize the matter at an upcoming meeting to authorize submittal of a proposal to the City of Aliso Viejo.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda:

1) Announced that the Orange County Board of Supervisors appointed Helen Fried as the new County Librarian at their Board meeting on April 15.

Cave:

- 1) Attended the opening ceremonies for Pacific Life Insurance Company at which Mayor Phillips gave a speech;
- 2) Attended first AVCA meeting at City Hall on Monday. She asked if staff could assist them with the sound system in the Chambers.
- 3) Attended a USPS ad hoc meeting with staff from Congressman John Campbell's office in an attempt to re-assert some of the issues the City has with USPS including their unwillingness to receive additional information from City;
- 4) Attended a TCA meeting regarding a toll fee study projecting tolls between now and 30 years from now. There might be an article in the Orange County Register regarding a concern that the Newport Beach ramps were going to get an increase of 0.25 cents more than other cities;
- 5) Attended the Regional Cities Ball as guest of the South Orange County Regional Chambers of Commerce;
- 6) Received an invitation from South County Community College District Trustee Nancy Padbergh to attend a Dana Point Women's Club event on May 5.

Garcia:

1. Attended the AVCA meeting at City Hall on Monday. He thought it went very well.

Phillips:

1. Attended a USPS Noise Testing meeting on April 10 held at the proposed facility site;
2. Announced that he received compliments from a major corporation regarding the excellent service received from the City inspectors. Thank you to John Whitman and his team;
3. Attended the AVCA meeting on Monday. The meeting went very well;

APRIL 16, 2008

4. Announced the Aliso Viejo Ranch Workshop on Saturday at 9am to 12 noon;
5. Conducted the Walk with the Mayor on Monday, April 13;
6. Announced the E-waste event at Soka University on Saturday, April 19;
7. Announced his appointment to the Planning Commission: Greg Gantman

ADJOURNMENT: The Mayor adjourned the regular meeting at 9:40 p.m. to May 7, 2008 at 5:00 p.m. in the Council Chambers at City Hall.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS, CMC
CITY CLERK

WILLIAM A. PHILLIPS
MAYOR