

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
REGULAR MEETING  
JUNE 2, 2010, 7:00 P.M.  
Council Chambers, City Hall, 12 Journey  
Aliso Viejo, California

CALL TO ORDER: Convened closed session at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: PHILLIP B. TSUNODA  
CARMEN CAVE  
GREG FICKE  
WILLIAM A. PHILLIPS

ABSENT: COUNCIL MEMBERS: DONALD A. GARCIA

STAFF PRESENT: MARK A. PULONE, CITY MANAGER  
SCOTT SMITH, CITY ATTORNEY

PUBLIC COMMENT: There was no public comment.

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957  
Title: City Manager

CALL TO ORDER: Mayor Tsunoda called the open session of the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:10 p.m.

ROLL CALL:

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

ABSENT: COUNCIL MEMBERS: NONE

STAFF PRESENT: MARK A. PULONE, CITY MANAGER  
SCOTT SMITH, CITY ATTORNEY  
SUSAN A. RAMOS, CITY CLERK  
GLENN YASUI, ADMINISTRATIVE SERVICES DIRECTOR  
GINA THARANI, FINANCE DIRECTOR

JOHN WHITMAN, PUBLIC WORKS DIRECTOR  
SHAWN PELLETIER, ASSISTANT CITY ENGINEER  
ALBERT ARMIJO, PLANNING DIRECTOR  
LARRY LAWRENCE, PLANNING CONSULTANT  
LT. BOB OSBORNE, CHIEF, POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Brownie Troop 1004 led the pledge of allegiance.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION – None at this time.

### SPECIAL PRESENTATIONS

A. COUNCIL RECOGNITION AND PRESENTATION TO MEMBERS OF THE CITY'S COMMUNITY EMERGENCY PREPAREDNESS ACADEMY (CEPA) FOR SUCCESSFULLY COMPLETING THE CITY'S 5TH ANNUAL ACADEMY

Mayor Tsunoda introduced Steve Rhyner, Emergency Management Program Coordinator, who gave an overview of the program and announced the names of the following CEPA graduates and presented certificates of recognition to those present: Greg Beiser, Jacqueline Bowman, Jenise Cook, Peter Cruz, Kellie Dearden, Carrie DeLamontanya, Richard Duveneck, Gary Fisher, Andrea Hunter, Sandra Leone, Lisa Lowrey, Tim McDonnell, Lynne Moore, Terri Morris, Hai Nguyen, Mamie Nguyen, Allen Rad, Liliana Rad, Ed Shandrew, Marc Villemarie, Keith Watts, and Lorraine Yoshioka. Mr. Rhyner also stated that the graduates will each get an emergency kit as a gift for successfully completing the academy.

### ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

City Manager Mark Pulone requested to pull Agenda Item no. 10 at this time to be brought back at a future Council meeting.

### CONSENT CALENDAR

Mayor Tsunoda asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. No member of the Council or the public requested that an item be removed for discussion.

**MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 5, AS FOLLOWS:**

1. 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.

2. MINUTES – REGULAR MEETING OF MAY 19, 2010

Approved the Minutes as submitted.

3. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued May 13, 2010 in the amount of \$65,727.51; and Accounts Payable checks issued May 20, 2010 in the amount of \$918,325.35.

4. TREASURER'S STATEMENT – APRIL 2010

Approved the April 2010 Treasurer's Statement.

5. RESOLUTION TO PROMOTE SAFE DRIVING ACROSS CALIFORNIA

Adopted Resolution 2010-17, entitled below:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, TO PROMOTE SAFE DRIVING ACROSS CALIFORNIA AND SUPPORT AT&T IN ITS EFFORT TO EDUCATE THE GENERAL PUBLIC ABOUT THE DANGERS OF TEXTING WHILE DRIVING

**MOTION UNANIMOUSLY CARRIED ON ITEMS NOS. 1,3, 4 AND 5. MOTION CARRIED 4-0 ON ITEM NO. 2, APPROVAL OF MINUTES, MAYOR PRO TEM CAVE ABSTAINED.**

END OF CONSENT CALENDAR

**PUBLIC HEARING ITEM NO. 6**

6. REQUEST FOR CONDITIONAL USE PERMIT UPAV10-06 FOR A RESTAURANT (BEACH PIT BBQ) WITH ALCOHOL SALES AND OUTDOOR DINING AT THE COMMONS COMMERCIAL CENTER

Planning Consultant Larry Lawrence presented the staff report.

Questions and discussion ensued regarding the type of alcohol served, disposal of bottles and/or plastic containers, unamplified music, string lighting, controlling litter in the outdoor seating section, concern about the maintenance of the pavers, adequate placement of trash cans, and the ABC license process.

Tim DeCinces, business owner, responded to questions regarding alcohol service noting that this portion of the business is minimal and he has had no issue or problems with bottles or plastic containers in another business location.

Mayor Tsunoda opened public comments. There was no public comment.

**MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO ADOPT RESOLUTION NO. 2010-18 ENTITLED BELOW, AS AMENDED TO ADD A CONDITION FOR THE APPLICANT TO SUBMIT AND IMPLEMENT A MAINTENANCE SCHEDULE FOR THE OUTDOOR DINING AREA TO THE SATISFACTION OF THE DIRECTOR OF PLANNING SERVICES TO ENSURE REGULAR CLEANING AND MAINTENANCE OF THE PAVERS AND OTHER SURFACES.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV10-06 FOR THE BEACH PIT BARBECUE RESTAURANT USE WITH SALE OF ALCOHOLIC BEVERAGES AND OUTDOOR DINING.**

**MOTION CARRIED UNANIMOUSLY.**

#### **DISCUSSION ITEMS NOS. 7 THROUGH 12**

##### **7. COMMUNITY ASSISTANCE GRANT FUNDING FOR FISCAL YEAR 2010-11 (CONTINUED FROM COUNCIL MEETING OF MAY 5, 2010)**

City Manager Mark Pulone presented the staff report.

Mayor Tsunoda opened public comments. There was no public comment.

**MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER GARCIA SECONDED TO APPROVE THE FOLLOWING REQUESTS FOR COMMUNITY ASSISTANCE GRANT FUNDING TO BE INCLUDED IN FISCAL YEAR 2010-11 ANNUAL BUDGET AS AMENDED TOTALING TO \$10,000:**

- **ARIEL RESCUE - \$1000**
- **ASSISTANCE LEAGUE OF CAPISTRANO VALLEY - \$1245**
- **LAURA'S HOUSE - 1,000**
- **SOUTH COUNTY OUTREACH - \$5165**

- **ALISO NIGUEL HIGH SCHOOL INSTRUMENTAL MUSIC BOOSTERS - \$600**
- **ALISO VIEJO GIRLS SOFTBALL - \$990**

**MOTION UNANIMOUSLY CARRIED.**

8. **RESOLUTION APPROVING THE CITY'S APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS - NATURE EDUCATION FACILITIES PROGRAM (PROPOSITION 84 NEF)**

City Manager Mark Pulone presented the staff report and responded to a question about the project cost and the amount of the grant application.

Mayor Tsunoda opened public comments. There was no public comment.

**MOTION MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO ADOPT RESOLUTION NO. 2010-19 ENTITLED BELOW:**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE CITY'S APPLICATION FOR GRANT FUNDS FOR THE STATEWIDE PARK NATURE EDUCATION FACILITIES PROGRAM (PROPOSITION 84 NEF).**

**MOTION UNANIMOUSLY CARRIED.**

9. **AWARD OF CONTRACT TO R.F. DICKSON FOR STREET SWEEPING SERVICES**

Assistant City Engineer Shaun Pelletier presented the staff report.

Mayor Tsunoda opened public comments. There was no public comment.

Staff responded to questions regarding enforcement of street parking violations on street sweeping days, the consumer price index cost, and the selection committee.

**MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO AWARD A CONTRACT TO R.F. DICKSON COMPANY FOR STREET SWEEPING SERVICES FOR AN INITIAL TERM OF THREE (3) YEARS. MOTION UNANIMOUSLY CARRIED.**

**MOTION: COUNCILMEMBER PHILLIPS MOVED AND COUNCILMEMBER FICKE SECONDED TO AUTHORIZE THE MAYOR TO EXECUTE SAID CONTRACT WITH R.F. DICKSON COMPANY. MOTION UNANIMOUSLY CARRIED.**

10. AQUATIC CENTER CORPORATE SPONSORSHIP POLICY

This agenda item was pulled as requested by staff, to come back to Council at a future meeting.

11. PROPOSED ANNUAL BUDGET FOR FISCAL YEAR 2010-11

City Manager Mark Pulone presented the staff report.

Mayor Tsunoda opened public comments. There was no public comment.

Staff responded to questions regarding tax in lieu and property tax in lieu revenues.

**MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO APPROVE THE BUDGET AS PRESENTED AND ADOPT RESOLUTION NO. 2010-20, ENTITLED BELOW:**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING THE 2010-2011 FISCAL YEAR BUDGET FOR THE CITY OF ALISO VIEJO.**

**MOTION UNANIMOUSLY CARRIED.**

12. TRANSPORTATION ENHANCEMENT (TE) PROGRAM GRANT APPLICATION – TOWN CENTER LOOP TRAIL PHASE 2

Director of Public Works John Whitman presented the staff report.

Mayor Tsunoda opened public comments. There was no public comment.

**MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO 1) AUTHORIZE THE CITY MANAGER TO SUBMIT AN APPLICATION FOR A \$500,000 TE GRANT THROUGH ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA); 2) AUTHORIZE THE CITY MANAGER TO APPROPRIATE \$200,000 FROM THE COMMUNITY ENHANCEMENT FUND BALANCE; AND, 3) AUTHORIZE THE MAYOR TO ADOPT RESOLUTION 2010-21, ENTITLED BELOW:**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT (TE) PROGRAM UNDER 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION EQUITY ACT – LEGACY FOR USERS FOR TOWN CENTER LOOP TRAIL PHASE 2 PROJECT.**

**MOTION UNANIMOUSLY CARRIED.**

Council requested staff to provide updates on the progress of this grant application.

**COMMUNITY INPUT**

Chad MacDonald, provided comments about SB 1070 the Arizona law on immigration and requested Council support by issuing a proclamation or a resolution at its next regular meeting. He submitted pertinent materials to staff including letters of support from other cities and an article in the Orange County Register regarding the City of Yorba Linda's endorsement of the law.

**CITY MANAGER'S REPORT**

City Manager Mark Pulone noted staff will make copies of the materials submitted by Mr. MacDonald for distribution to the City Council. He thanked Council for commending staff regarding the budget noting it is a team effort and cooperation of all City staff.

**ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES**

Garcia

- Announced that the golf tournament is on Friday, June 4 and invited the public to attend.

Phillips

- Attended the International Council of Shopping Centers (ICSC) convention in Las Vegas with Mayor Tsunoda and City Manager Pulone.

Tsunoda

- Attended the Aquatic Center Memorial Day weekend activities which had a good turnout.
- Attended the Aliso Viejo Little League Casino Night event at the Conference Center and it also had a good turnout.
- Attended the ICSC convention that included interesting sessions.

**ADJOURNMENT:** The Mayor adjourned the meeting at 8:20 p.m. to the regularly scheduled Council meeting of June 16, 2010.

Respectfully submitted,

Approved by:

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SUSAN A. RAMOS  
CITY CLERK

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PHILLIP B. TSUNODA  
MAYOR