

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
JUNE 16, 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
DONALD A. GARCIA (ARRIVED AT 6:35 P.M.)

ABSENT: COUNCIL MEMBERS: WILLIAM A. PHILLIPS

STAFF PRESENT: 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
2. CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Mayor, City Attorney, City Manager
All unrepresented employees

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 7:05 p.m.

ROLL CALL:

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

ABSENT: COUNCIL MEMBERS: WILLIAM A. PHILLIPS

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

HELEN WILSON, COMMUNITY SERVICES DIRECTOR
JOHN WHITMAN, PUBLIC WORKS DIRECTOR
SHAWN PELLETIER, ASSISTANT CITY ENGINEER
LT. BOB OSBORNE, CHIEF, POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: AV Sonic GU10 National Team led the pledge of allegiance.

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

SPECIAL PRESENTATIONS

A. COUNCIL RECOGNITION AND PRESENTATION TO ALISO NIGUEL HIGH SCHOOL STUDENT NEIL ARONSON FOR HIS ENVIRONMENTAL EFFORTS IN THE COMMUNITY

Mayor Tsunoda introduced Neil Aronson and presented him with a certificate of recognition for his environmental contributions to the community. Mr. Aronson expressed thanks and appreciation for the recognition and provided a summary of his environmental projects and activities at the Aliso Niguel High School.

B. PRESENTATION BY PORTIA ARUTUNIAN, PARK RANGER, ORANGE COUNTY PARKS, REGARDING PROGRAMS AND EVENTS FOR WOOD CANYON AND ALISO CANYON WILDERNESS PARKS

Park Ranger Portia Arutunian gave a Powerpoint presentation about the Aliso and Wood Canyon Wilderness Parks, 4000 acres of wildlife sanctuary with two creeks and about 30 miles of trails, events, programs and volunteering.

Mayor Tsunoda asked Ms. Arutunian to inform Mark Denny, OC Parks Director, that the City of Aliso Viejo is celebrating this year as the Year of the Youth and asked if Mr. Denny would be interested in holding an adventure day event at our wilderness park similar to the one held at Caspers Park.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

City Manager Pulone requested to withdraw item 12, continue item 13 and move item 15 to the end of discussion items.

CONSENT CALENDAR

Mayor Tsunoda asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. Councilmember Ficke requested to remove items 8 and 9 for discussion. There were no requests from the public to remove any items.

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER GARCIA SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 7, 10-12, 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 JUNE 2, 2010

Approved the Minutes as submitted.

3. ACCOUNTS PAYABLE

Ratified accounts payable checks issued on May 27, 2010 in the amount of \$914,721.86 and accounts payable checks issued on June 3, 2010 in the amount of \$47,282.76.

4. CONFLICT OF INTEREST CODE BIENNIAL REPORT

Directed staff to review the City's Conflict of Interest Code for updates and submit its findings to Council by October 1, 2010.

5. ADOPT RESOLUTION PERTAINING TO THE NOVEMBER 2, 2010 ELECTIONS

Adopted the following Resolutions, entitled:

RESOLUTION NO. 2010-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES;

RESOLUTION NO. 2010-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010 AND TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF THE ELECTION; AND

RESOLUTION NO. 2010-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ON

REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE
PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE
VOTERS AT AN ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 2, 2010.

6. FIRST AMENDMENT TO AGREEMENT WITH PSG ENTERPRISES, INC. FOR
PROPERTY MANAGEMENT SERVICES

Approved said amendment to agreement and authorize the City Manager to execute same.

7. SECOND AMENDMENT TO AGREEMENT WITH ZUVICH CORPORATE
ADVISORS FOR PROPERTY LEASING SERVICES

Approved said amendment to agreement and authorize the City Manager to execute same.

10. FIRST AMENDMENT TO AGREEMENT WITH WINTER VISUALS FOR BULLETIN
BOARD AND VIDEO PLAYBACK SERVICES

Approved said amendment to agreement and authorize the City Manager to execute same.

11. THIRD AMENDMENT TO AGREEMENT WITH TEAM ONE JANITORIAL FOR
JANITORIAL SERVICES

Approved said agreement and authorize the City Manager to execute same.

12. ASSEMBLY BILL 1867 (HARKEY)

Staff requested to withdraw this item.

MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

ITEMS PULLED FROM CONSENT CALENDAR

8. AGREEMENT – PREFERRED PROPERTY MAINTENANCE FOR CITY HALL
INTERIOR AND EXTERIOR LIGHTING MAINTENANCE SERVICES

Councilmember Ficke requested to remove this item. Staff responded to questions regarding contract term and bid process, noting that this contract would be up for bid in 2011.

Mayor Tsunoda opened public comments and there was none.

MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER GARCIA SECONDED TO APPROVE SAID AGREEMENT AND AUTHORIZE CITY MANAGER TO EXECUTE SAME.

9. AGREEMENT – KLM, INC. FOR HVAC MAINTENANCE SERVICES

Councilmember Ficke requested to remove this item. Staff responded to questions regarding contract term and bid process, noting that this contract would be up for bid in 2013.

Mayor Tsunoda opened public comments and there was none.

MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER GARCIA SECONDED TO APPROVE SAID AGREEMENT AND AUTHORIZE CITY MANAGER TO EXECUTE SAME.

END OF CONSENT CALENDAR

DISCUSSION ITEMS NOS. 13 THROUGH 19

13. CLIMATE ACTION PLAN ADVISORY COMMITTEE

Staff requested to continue this item to the next regularly scheduled meeting.

14. RENEWED MEASURE M ELIGIBILITY – 7 YEAR CIP

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO DISPENSE WITH THE STAFF REPORT. MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

Mayor Tsunoda opened public comments and there was none.

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER GARCIA SECONDED TO ADOPT A 7-YEAR CAPITAL IMPROVEMENTS PROGRAM (CIP) FOR STREET PROJECTS; AND RESOLUTION NO. 2010-27 ENTITLED BELOW, AND APPROVE THE PAVEMENT MANAGEMENT PLAN (PMP) UPDATE.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF ALISO VIEJO

MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

16. AWARD CONTRACT TO KORMX INC.FOR THE PACIFIC PARK DRIVE AND

ALISO CREEK ROAD INTERSECTION WIDENING

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER GARCIA SECONDED TO DISPENSE WITH THE STAFF REPORT. MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

Questions and discussion ensued regarding the other bids received, the bid review process, public outreach for alternate routes and minimal impact to residents.

Mayor Tsunoda opened public comments and there was none.

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER GARCIA SECONDED TO AWARD A CONTRACT IN THE AMOUNT OF \$270,526.75 TO KORMX INC. AS THE LOWEST RESPONSIBLE BIDDER FOR THE PACIFIC PARK DRIVE AND ALISO CREEK ROAD INTERSECTION WIDENING PROJECT; AUTHORIZE THE CITY MANAGER TO EXECUTE SAID CONTRACT; AND, AUTHORIZE CITY STAFF TO MAKE TOTAL COMPENSATION TO KORMX INC. UP TO \$297,579.43 (10% ABOVE THE CONTRACT AMOUNT) TO ALLOW FOR CONTINGENCIES. MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

17. AWARD CONTRACT TO SOUTHLAND CONSTRUCTION FOR THE SCE BIKE AND PEDESTRIAN TRAIL

MOTION: COUNCILMEMBER GARCIA MOVED AND MAYOR PRO TEM CAVE SECONDED TO DISPENSE WITH THE STAFF REPORT. MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

Staff responded to questions regarding professional references and quality of work of the successful bidder.

Mayor Tsunoda opened public comments and there was none.

MOTION: COUNCILMEMBER GARCIA MOVED AND MAYOR PRO TEM CAVE SECONDED TO AWARD A CONTRACT IN THE AMOUNT OF \$194,906.70 TO SOUTHLAND CONSTRUCTION AS THE LOWEST RESPONSIBLE BIDDER FOR SAID PROJECT; AUTHORIZE THE CITY MANAGER TO EXECUTE SAID CONTRACT, AUTHORIZE CITY STAFF TO MAKE TOTAL COMPENSATION TO SOUTHLAND CONSTRUCTION UP TO \$214,397.37 (10% ABOVE THE CONTRACT AMOUNT) TO ALLOW FOR CONTINGENCIES; AND, AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSENT AGREEMENTS WITH SCE, AVCA AND GLENWOOD PARK COMMUNITY ASSOCIATION FOLLOWING CITY ATTORNEY REVIEW AND APPROVAL. MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

18. LAW ENFORCEMENT SERVICES AGREEMENTS FOR FISCAL YEAR 2010-11

City Manager Pulone presented the staff report and noted that Lt. Osborne and Orange County Sheriff's Department (OCSD) Contract Manager Tricia Bello are present for questions.

Questions and discussion ensued regarding future increases, specialized training costs, personnel and salaries.

Mayor Tsunoda opened public comments and there was none.

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT WITH THE COUNTY OF ORANGE FOR FISCAL YEAR 2010-11 LAW ENFORCEMENT SERVICES AND APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE COST SHARING AGREEMENT FOR SCHOOL RESOURCE OFFICER BETWEEN THE CITY OF ALISO VIEJO AND THE CITY OF LAGUNA NIGUEL. MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

19. CONFERENCE AND AQUATIC CENTER OPERATOR - KEMPER SPORTS MANAGEMENT INC.

City Manager Pulone presented the staff report.

Staff responded to questions regarding the termination date of the current management agreement.

Mayor Tsunoda opened public comments and there was none.

MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER GARCIA SECONDED TO APPROVE AND DIRECT CITY MANAGER TO EXECUTE THE MANAGEMENT AGREEMENT; APPROVE THE AMENDED FISCAL YEAR 2010-11 CONFERENCE AND AQUATIC CENTER BUDGET; AND, APPROVE AN APPROPRIATION OF \$133,415 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE.

15. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS FOR GRANT WRITING AND LOBBYING SERVICES

City Manager Pulone presented the staff report and noted that Sean Fitzgerald is present for questions. Mr. Fitzgerald responded to questions regarding a status report on grants submitted and processed in the last year.

Mayor Tsunoda opened public comments and there was none.

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO APPROVE SAID AMENDMENT TO AGREEMENT AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE SAME. MOTION CARRIED 4-0, COUNCILMEMBER PHILLIPS ABSENT.

COMMUNITY INPUT

None at this time.

CITY MANAGER'S REPORT

None at this time.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Ficke

- Attended the Laguna Canyon Foundation Board of Directors meeting for Councilmember Phillips on June 3.

Garcia

- Announced the 7th Annual Aliso Viejo Community Cup golf tournament on June 4 was a success!

Cave

- Reported the TCA San Joaquin Hills Transportation Corridor passed their budget.

Tsunoda

- Attended the Aliso Viejo Little League closing ceremonies on June 12 at Woodfield Park.
- Requested staff to present Council with an update for the Go-Local project from OCTA.
- Thanked staff for the upgrade to the business section of the City's website. He invited the public to check it out and provide feedback.

ADJOURNMENT: The Mayor adjourned the meeting at 8:05 p.m. to the regularly scheduled Council meeting of July 7, 2010.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS, CITY CLERK

PHILLIP B. TSUNODA, MAYOR