



MISSION VIEJO MINUTES

City Council, Community Development Agency,
Community Development Financing Authority,
Public Improvement Corporation,
and Library Board of Trustees*

October 20, 2008

A Regular Meeting of the City Council, the Community Development Agency, the Community Development Financing Authority, the Public Improvement Corporation, and the Library Board of Trustees of the City of Mission Viejo, California, was called to order by Mayor Kelley at 5:01 p.m., on October 20, 2008, at 200 Civic Center, Mission Viejo, California.

A complete copy of the agenda for the meeting containing all items as shown herein was posted by 5:00 p.m. on October 17, 2008, on the outdoor bulletin board at City Hall. Copies were also posted at the Montanoso Recreation and Fitness Center, 25800 Montanoso Drive, and the Norman P. Murray Community and Senior Center, 24932 Veterans Way.

*All Board and Agency memberships are reflected in the title "Council Member."

Present: Mayor Kelley
Mayor Pro Tem Ury
Council Member Ledesma
Council Member MacLean
Council Member Reavis

Absent: None

Staff Present: Dennis Wilberg, City Manager
Irwin Bornstein, Assistant City Manager/Director of Admin. Services
Craig Fox, Assistant City Attorney
Karen Hamman, City Clerk

PLEDGE OF ALLEGIANCE: Mayor Kelley

INVOCATION: Council Member Reavis

CLOSED SESSION

CS1. Conference with City Attorney Concerning One Matter of Existing Litigation Pursuant to Government Code Section 54956.9(a). The Litigation is City of Mission Viejo v. CUSD, Case No. 00180049; Companion Case, Rancho Santa Margarita v. CUSD, Case No. 00207543.

RECESS TO CLOSED SESSION AND RECONVENE

At the hour of 5:04 p.m., Mayor Kelley recessed the meeting to Closed Session. The City Council reconvened at 6:03 p.m. with all five City Council Members present.

REPORT OF CLOSED SESSION

Assistant City Attorney Craig Fox announced that there was no reportable action for Closed Session item CS1.

PRESENTATIONS

P1. Recognize Citywide Volunteers for Their 1,000 Hours of Volunteer Service

Mayor Kelley presented Certificates of Appreciation to (1) Mae Cimino for volunteer hours at the Mission Viejo Library; (2) Craig Collings for volunteer hours with the Senior Community Activity Team (SCAT), (3) Richard Carroll for volunteer hours with the Senior Community Activity Team (SCAT), and (4) Sheldon Deane for volunteer hours with the Senior Community Activity Team (SCAT). Dorothy Isaacson, Norman P. Community and Senior Center volunteer, and Library Volunteers Dee Scott and Bill Bluett were unable to attend the meeting.

P2. Presentation of Award to Deputy Brad Kenneally by Mothers Against Drunk Driving (MADD)

Sherry Graham, on behalf of Mothers Against Drunk Driving (MADD), presented a Deuce Award to Deputy Brad Kenneally.

P3. Recognize Sergeant Doug Bertoglio, Upon his Retirement From the Orange County Sheriff's Department

Mayor Kelley presented a Certificate of Commendation and City Tile to Sergeant Doug Bertoglio.

P4. Certificates of Appreciation for the Volunteers of the Trauma Intervention Program

Mayor Kelley presented Certificates of Appreciation to TIP volunteers.

PUBLIC COMMENTS

William Vogeler, M.V.: urged voters to protect the traditional definition of marriage by voting yes on Proposition 8.

Christiane Dudzinski, M.V.: suggested that drought tolerant lavender could be planted in the median islands and that the City could host an annual event to commemorate the 1984 Olympic bicycle races in Mission Viejo.

Cathy Schlicht, M.V.: urged residents to stay informed about local and regional emergencies by registering their contact information with AlertOC at www.AlertOC.com.

Larry Gilbert, M.V.: discussed the Casta del Sol Candidate forum and expressed concern with Council Member Ury's response to several questions. Jim Grissom, M.V.: stated that he had posted political signs in his yard to support two Council Candidates and the signs were recently stolen. Mr. Grissom said there is a political price to be paid for bad behavior.

Cheryl Atkinson, M.V.: described negative encounters she had with Council Candidate Neil Lonsinger and with Council Member Reavis at Saturday's Drug Walk.

Les Sykes, M.V.: commended Mayor Kelley, Mayor Pro Tem Ury, and Council Member MacLean for remaining composed and positive in light of vicious verbal attacks and ongoing accusations.

RECESS

Mayor Kelley declared a recess at 7:06 p.m. The City Council reconvened at 7:15 p.m. with all five City Council Members present.

CONSENT CALENDAR

Items 9, 14, and 15 were removed from the Consent Calendar for separate discussion.

Motion made by Council Member Ledesma, seconded by Mayor Pro Tem Ury, to approve the Consent Calendar as described below.

On roll call, said motion carried by the following vote:

AYES: Kelley, Ledesma, MacLean, Reavis and Ury
NOES: None
ABSENT: None

1. Waive Reading of Ordinances and Resolutions

Approved the reading by title of all ordinances and resolutions and declared that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

2. City Council Minutes

(1) Approved the Minutes for the Special Meeting of September 30, 2008, as presented; and (2) approved the Minutes for the Regular Meeting of October 6, 2008, as presented.

3. Summary of Fiscal Year 2008 - 2009 Budget Amendments to Date

Received and filed.

4. City Treasurer's Monthly Report for August 2008

Received and filed.

5. Community Development Agency Treasurer's Monthly Report for August 2008

Received and filed.

6. Mission Viejo Community Development Financing Authority (MVCDF) Treasurer's Monthly Report for August 2008

Received and filed.

7. Check Register dated September 26, 2008, in the amount of \$1,669,841.07

Ratified the accompanying check register.

8. Check Register dated October 3, 2008, in the amount of \$1,024,217.04

Ratified the accompanying check register.

10. Oso Creek Barrier Upgrade Project Budget Amendment

Adopted *Resolution 08-50* Amending the Fiscal Year 2008-2009 Budget to Increase Estimated Revenues and Appropriations for the United States Environmental Protection Agency Grant Related to the Oso Creek Barrier Upgrade Project.

11. SmarTimer/Edgescap Evaluation Project

Adopted *Resolution 08-51* Amending the Fiscal Year 2008-2009 Budget to Increase Estimated Revenues and Appropriations for the Metropolitan Water District of Southern California Public Sector Program Grant Related to the SmarTimer/Edgescap Evaluation Project.

12. Barcelona Wall - Trabuco and Marguerite - Jeronimo and Marguerite

(1) Awarded contract for the subject project to MSL Development, Inc. in the amount of \$102,590; and (2) authorized staff to issue a purchase order to MSL Development, Inc. in an amount not to exceed \$102,590.

13. Cabot-Camino Capistrano Bridge Improvements (CIP 782)

Authorized the approval of Change Order 2 in the amount of \$36,448 to Purchase Order 050251 to RBF Consulting, Inc., for additional preliminary design services.

PUBLIC HEARINGS

16. Ordinance Pertaining to Development Fees and the Temporary Deferral of Development Fees

Council Member Ledesma recused himself from the discussion due to the potential conflict of interest. As a realtor, it is conceivable that his clients could benefit from this ordinance at some point in the future.

Council Member Ledesma departed the room at 7:18 p.m.

Serita Young, Attorney for Richards Watson and Gershon, presented the staff report and outlined the proposed changes to the Municipal Code pertaining to the temporary deferral of Development Fees.

Mayor Kelley opened the public hearing. Upon hearing no requests to speak, Mayor Kelley closed the public hearing.

Motion made by Council Member MacLean, seconded by Mayor Pro Tem Ury, to introduce **Ordinance 08-273** Amending Section 9.94.045 and Adding Section 9.94.050 to Chapter 9.94 of Article V of Title 9 of The Municipal Code Regarding Development Fees and the Temporary Deferral of Development Fees.

AYES: Kelley, MacLean, and Ury
NOES: Reavis
ABSTAIN: Ledesma
ABSENT: None

OLD BUSINESS

NEW BUSINESS

ITEMS REMOVED FROM THE CONSENT CALENDAR

9. Ordinance Amending Section 2.04.050 of the Mission Viejo Municipal Code Pertaining to City Council Salary

Council Member Reavis expressed her disapproval of the proposed salary increase.

Motion made by Mayor Pro Tem Ury, seconded by Mayor Kelley, to adopt **Ordinance 08-272** Amending Section 2.04.

AYES: Kelley, Ledesma, MacLean, and Ury
NOES: Reavis
ABSENT: None

14. Oso/Marguerite Intersection Improvements (CIP 844)

Director of Public Works Mark Chagnon presented the staff report.

Motion made by Council Member Reavis, seconded by Council Member MacLean, to (1)

approve the easement acquisition agreements at a total cost of \$820,997.50 and accept the associated easement deeds; and (2) authorize the City Clerk to record the easement deeds in the office of the County Recorder.

AYES: Kelley, Ledesma, MacLean, Reavis and Ury
NOES: None
ABSENT: None

PUBLIC HEARINGS (Revisited)

16. Ordinance Pertaining to Development Fees and the Temporary Deferral of Development Fees

Assistant City Attorney Craig Fox asked Council to revisit this agenda item so he could read the Ordinance title into the record. He further asked the City Council to re-register their votes for the public record.

Motion made by Council Member MacLean, seconded by Mayor Pro Tem Ury, to introduce **Ordinance 08-273** Amending Section 9.94.045 and Adding Section 9.94.050 to Chapter 9.94 of Article V of Title 9 of The Municipal Code Regarding Development Fees and the Temporary Deferral of Development Fees.

AYES: Kelley, MacLean, and Ury
NOES: Reavis
ABSTAIN: Ledesma
ABSENT: None

ITEMS REMOVED FROM THE CONSENT CALENDAR (Continued)

15. FY 2007-08 & FY 2008-09 Carryovers and Budget Amendments

Assistant City Manager/Director of Administrative Services Irwin Bornstein presented the staff report.

Larry Gilbert, M.V.: expressed opposition to the expenditure of \$300,000 for a Rose Parade float.

Motion made by Mayor Pro Tem Ury, seconded by Council Member Ledesma, to (1) adopt **Resolution 08-52** Amending the FY 2007-08 Budget for Year-End Adjustments in Certain Accounts; and (2) adopt **Resolution 08-53**, as amended, Amending the FY 2008-09 Budget to Reflect Final Carryovers from FY 2007-08 and Certain Other Adjustments.

Amendment to Resolution 08-53: remove the \$26,000 line item for a portable sound system and roof repairs at the Corp Yard. Advised staff to return at a later date with a proposed budget amendment and detailed explanation if they feel this expenditure is necessary.

AYES: Kelley, Ledesma, MacLean, and Ury
NOES: Reavis
ABSENT: None

Council Member Reavis stated for the record that she voted no because there are several items in the budget that she has consistently voted against, and therefore she voted no on the entire item.

MAYOR'S, COMMISSION, AND COMMITTEE REPORTS

17. Orange County Fire Authority (OCFA) Report

Received the report from Mayor Kelley.

18. Foothill/Eastern Transportation Corridor Agency Report

Received the report from Council Member MacLean.

19. San Joaquin Hills Transportation Corridor Agency Report

Received the report from Council Member Ledesma.

20. Vector Control Board Report

Received the report from Council Member Reavis.

STAFF REPORTS

City Manager's Report

21. Alicia Park Parking Lot

Director of Recreation and Community Services Kelly Doyle presented the staff report and provided an update on the status of potential expanded parking at Alicia Park.

Motion made by Mayor Pro Tem Ury, seconded by Council Member Ledesma, to defer consideration of this project to the Fiscal Year 2009-2011 budget deliberations.

AYES: Kelley, Ledesma, MacLean, Reavis, and Ury
NOES: None
ABSENT: None

City Attorney's Report

COUNCIL MEMBER COMMENTS

22. Council Member Reports of Events and Activities Attended

The City Council Members acknowledged their event and activities calendars as presented in the staff report and agreed to provide any changes to the City Clerk for the public record.

Council Member Ledesma

Council Member Ledesma stated that it was a pleasure, once again, to attend the annual Drug Walk event which was highlighted by a variety of OCFA emergency preparedness equipment. Thanked staff and the Sheriff's Department for a job well done. Council Member Ledesma apologized for the short notice when he recused himself on Agenda Item #16.

Council Member MacLean

Stated that the disharmony represented at this time of year is very unproductive, whether the individual running for City Council is an incumbent or a challenger. Council Member MacLean encouraged voters to do their homework before voting.

Council Member Reavis

23. City Financial Report with Respect to Recent World Economic Turmoil

Council Member Reavis expressed concern with the worldwide financial crisis and asked staff to provide a report on the long-term impact on the City's budget.

24. CPUC/Powerlines Ad Hoc Report

Council Member Reavis asked for an update on the Ad Hoc Committee's activities and their recent trip to San Francisco.

Mayor Pro Tem Ury responded that members of the EMF Ad Hoc Committee did meet with the President of the CPUC and they have received preliminary information from Sage and Associates and Field Management Services (Michael Hiles). He said the Ad Hoc Committee Members' initial impression is that there is little chance of recourse based on prior actions of the City Council. Mayor Pro Tem Ury stated that the City Attorney's office is compiling information and Bill Curley will provide another report upon his return.

25. Mission Viejo Community Foundation

Council Member Reavis asked the City Manager if a City staff member can volunteer to temporarily staff the Mission Viejo Community Foundation on City time. She asked for an accounting of hours and the status of the Foundation. She further questioned Karen Wylie's application, on behalf of the Community Foundation, for a grant from the City's Community Services Commission.

26. City Council Retiree Healthcare and Compensation

Council Member Reavis asked when the City Council health care and compensation matter would come before the City Council and asked the City Attorney to provide a response before she leaves office.

Council Member Reavis thanked the City for another great Walk Against Drugs and expressed her appreciation to Marilyn McDougall and to Bill Craycraft for bringing this annual event to us. Noted an article in the City Manager's Newsletter regarding the Casta del sol golf course and asked if there was a letter from American Golf indicating that their long term goal is to preserve the golf course. She stated that she has had eight wonderful years on the City Council in spite of the difficulties she has had with her colleagues over an alleged lawsuit.

Mayor Pro Tem Ury

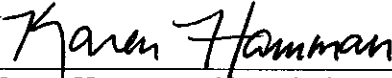
Mayor Pro Tem Ury stated that the City has been doing a wonderful job maintaining its finances and keeping a high level of reserves. He expressed concern with the relentless onslaught of negativity and gloom from a variety of individuals. He feels this City is far more optimistic than pessimistic and at some point in time, the relentless cynicism has got to stop. Mayor Pro Tem Ury concluded his comments by complimenting everyone on another great Walk Against Drugs event.

Mayor Kelley

Mayor Kelley stated that the 20th Anniversary Walk Against Drugs was just an amazing event. She thanked the organizer, Tammy Descoteaux, the Sheriff's Department and all those who made the event come together so beautifully. She expressed special thanks to Supervisor Pat Bates for bringing the Disaster Preparedness Expo to our community and stated that she hopes that becomes an annual part of the event. Mayor Kelley also thanked the Marine Adoption Committee and the many volunteers who do such great work in building a bond between the Marines and our City. She outlined her attendance at "Rock N Road" in the City of Orange. The event featured music and information about drinking and driving and served as a kick-off to Red Ribbon Week. She was honored to be invited to attend and to receive recognition for the work that Mission Viejo has done in bringing a Social Host Ordinance to the City. Mayor Kelley announced that she will probably be leaving town on very short notice because her Dad has been very ill and she needs to help care for him. She asked everyone to keep her father in their thoughts and prayers.

ADJOURNMENT

At the hour of 8:48 p.m., there being no further business to come before the City Council at this session, Mayor Kelley adjourned the meeting to Monday, November 3, 2008, at 5:00 p.m.



Karen Hamman, City Clerk

Approved at the meeting of November 3, 2008