

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
MAY 21, 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 A. 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: SIGNIFICANT EXPOSURE TO LITIGATION, ONE POTENTIAL CASE; ADVERSE: CLUBCORP GLENWOOD AT ALISO VIEJO DEVELOPMENT AGREEMENT PUBLIC/PRIVATE GOLF DISPUTE; PURSUANT TO GOVERNMENT CODE SECTION 54956.9(B)(1).
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: INITIATION OF LITIGATION, ONE POTENTIAL CASE, PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C).
3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957, TITLE: CITY MANAGER
4. CONFERENCE WITH LABOR NEGOTIATORS; AGENCY DESIGNATED REPRESENTATIVE: MAYOR; UNREPRESENTED EMPLOYEE: CITY MANAGER; PURSUANT TO GOVERNMENT CODE SECTION 54957.6, TITLE: CITY MANAGER

AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:05 p.m.,

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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 A. FICKE
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: NONE

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
GENIA GARCIA, DIRECTOR OF PLANNING SERVICES
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 Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION: City Attorney Smith reported that under item no. 1, the City Council instructed staff to send a notice of default to the golf course operators regarding the public play issue and to invite them to meet with the City Council Ad Hoc Committee as soon as possible within the 30 day period.

SPECIAL PRESENTATIONS

1. RECOGNITION AND PRESENTATION TO THE 5TH GRADE NIGUEL ALISO ALL-STARS BASKETBALL TEAM FOR WINNING THE SOUTH COAST AREA TOURNAMENT IN MARCH AND FOUR GAMES IN THE WESTERN REGIONAL IN APRIL

Mayor Phillips expressed congratulations and Coach Brennan gave background information and assisted the Mayor in presenting the certificates to the following team members: Matthew Brennan, Colin Yamamoto, Jared Ryu, Tristan Wade, Montana Garcia, Kyle Molnar, Jacob Sandoval, Jake Watkins, Kian Ashoubi, and Remy Wasserbach. Mayor Phillips also presented a certificate to Coach Dan Brennan and to the team as a whole.

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2. PROCLAMATION—CALIFORNIA WATER AWARENESS, proclaiming the month of May California Water Awareness Month

Mayor Phillips presented the proclamation to El Toro Water District Board President Ted Martin and Moulton Niguel Water District Director John Steward, who provided background information and expressed thanks and appreciation.

3. PROCLAMATION—WORLD NO-TOBACCO, proclaiming May 31, 2008 as World No Tobacco Day

Mayor Phillips presented the proclamation to Marlene Lewis, on behalf of the Orange County Tobacco Education Coalition. Ms. Lewis provided background and expressed thanks and appreciation to the Council for their support.

ADDITIONS, DELETIONS, AND REORDERING OF THE AGENDA

None

CONSENT CALENDAR

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. No items were removed from the Consent Calendar.

MOTION: ON MOTION BY COUNCILMEMBER CAVE AND SECONDED BY COUNCILMEMBER FICKE, THE CITY COUNCIL TOOK THE FOLLOWING ACTIONS ON THE FOLLOWING CONSENT CALENDAR ITEMS:

4. 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.

5. MINUTES—REGULAR MEETING OF MAY 7, 2008: Approved the minutes as presented.

6. ACCOUNTS PAYABLE: Ratified accounts payable checks issued May 1, 2008 in the amount of \$175,640.79; and, accounts payable checks issued May 8, 2008 in the amount of \$244,300.68.

MOTION UNANIMOUSLY CARRIED FOR CONSENT CALENDAR ITEMS 4, 5 AND 6.

END OF CONSENT CALENDAR

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DISCUSSION ITEMS

DISCUSSION ITEM NOS. 7 THROUGH 9

7. **CONSIDERATION OF APPOINTMENTS OF TWO AT-LARGE MEMBERS TO THE PLANNING COMMISSION**

City Manager Pulone briefed the staff report dated May 7, 2008.

Councilmember Tsunoda provided suggestions for the nomination and appointment process. Discussion and clarification ensued regarding the process. There was consensus of the Council to allow each Councilmember to make their nominations and after the close of nominations, call for a vote for each nominee. The nominee with the highest votes would be appointed to serve the term expiring in 2013 and the second highest vote getter would be appointed to serve the term expiring in 2011. In case of a tie, another vote will be taken for the two highest vote getters to determine term expiration. The highest vote getter of the two would serve the longer term.

Mayor Phillips asked is anyone wished to address the City Council. Hearing no response, Mayor Phillips closed public comments and opened nominations.

The following nominations were made:

- Councilmember Tsunoda nominated Mark Hiller
- Councilmember Cave nominated Rogier Goedecke
- Councilmember Ficke nominated Rogier Goedecke and Yazdan Emrani
- Mayor Pro Tem Garcia nominated Mark Hiller and Rogier Goedecke
- Mayor Phillips nominated Bill Conley and Joe Koszarek

Mayor Phillips declared there are five nominees and closed nominations. Mayor Phillips called for the votes for each nominee:

Bill Conley – 1 aye
Azdan Emrani – 1 aye
Rogier Goedecke – 3 ayes
Mark Hiller – 3 ayes
Joe Kozarek – 2 ayes

Mayor Phillips declared tie votes for Mr. Goedecke and Mr. Hiller and asked for a vote for each one to determine term expiration and declared that the highest vote getter would serve the longer term of 2013:

Rogier Goedecke – 4 ayes
Mark Hiller – 1 aye

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MAYOR PHILLIPS DECLARED THAT ROGIER GOEDECKE IS APPOINTED TO SERVE ON THE PLANNING COMMISSION FOR A TERM EXPIRING IN JANUARY 2013; AND MARK HILLER IS APPOINTED TO SERVE ON THE PLANNING COMMISSION FOR A TERM EXPIRING IN JANUARY 2011.

8. GO LOCAL REPORT

Public Works Director John Whitman briefed the staff report dated May 7, 2008.

Questions and discussion ensued regarding purpose and use of the grant, disposition of the unused portion of the grant of \$40,000.00, status of the work completed by Mission Group and costs associated with their work, and utilizing the unused portion of the grant for capital acquisition.

Director Whitman suggested setting aside \$10,000.00 for work completed by Mission Group in the event that the City is billed for their work.

Councilmember Tsunoda expressed concern that the proposed project is not utilizing the entire grant funding of \$100,000.00.

Mayor Pro Tem Garcia expressed concern about exceeding the cost estimated for the proposed project in order to utilize all of the grant funding.

Discussion continued regarding the disposition of the unused portion of the grant and scope of the study.

Councilmember Tsunoda clarified that the suggestion to change the not to exceed amount to \$90,000.00 is to protect the City from last minute changes to the project and from other cities taking away the unused portion for their benefit. He suggested allocating the unused portion of the grant for subsequent phases to the proposed project.

Mayor Pro Tem Garcia concurred to protect the City's unused grant monies from being used by other cities and place it in an account to safeguard it.

Councilmember Tsunoda suggested amending the recommended action to include directing staff to complete Phase 1 at a not to exceed \$60,000.00 and earmark the remaining balance of the grant to be used for subsequent phases to the Go Local project in Aliso Viejo.

Mayor Phillips asked if anyone wished to address the City Council. Hearing no response, Mayor Phillips closed public comments.

**MOTION: COUNCILMEMBER CAVE MOVED, SECONDED BY COUNCILMEMBER TSUNODA TO APPROVE STAFF'S RECOMMENDATION AMENDED AS FOLLOWS:
1) AUTHORIZE CHARLES ABBOTT ASSOCIATES, INC. AND KT COMMUNITY**

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RELATIONS TO COMPLETE PHASE 1 OF THE GO LOCAL PROJECT AT A NOT TO EXCEED AMOUNT OF \$90,000.00; ADD STEP 6A TO RE-INTERVIEW POTENTIAL USERS AS TO THE LIKELIHOOD OF THEIR USE OF THE PROPOSED ROUTE; SEND A LETTER OF REQUEST FOR CLARIFICATION TO ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) REGARDING THE DISPOSITION OF THE UNSPENT GRANT MONEY; BRING BACK A PROGRESS REPORT AT STEP 6 IN ORDER TO DETERMINE USE OF THE REMAINING \$30,000.00 GRANT MONEY.

Director Whitman commented that OCTA may not have a response to the disposition of the unspent portion of the grant at Step 6.

Mayor Pro Tem Garcia commented to ensure that at Step 6 the allocated grant monies of \$60,000.00 for the Go Local project would not have been totally spent at that time.

MOTION UNANIMOUSLY CARRIED.

9. REVIEW THE DRAFT ANNUAL BUDGET FOR FISCAL YEAR 2008-09 (CONTINUED FROM MAY 7, 2008)

City Manager Pulone briefed the staff report dated May 7, 2008 and provided an update on the State's budget and its impact to the City including the public safety COPs funding and the reduction in bus trips by the Capistrano Unified School District. He added that the City has received a request from AYSO for travel funding assistance which should be acted upon separately by Council. He suggested reviewing all of the departmental budgets including those budgets previously covered at the May 7 workshop.

Director of Finance Tharani provided a summary of each department's budget and their proposed major changes as outlined in the staff report.

Questions and concerns were expressed regarding staffing in Community Services, building maintenance reserves, costs for giveaway items and looking at other effective and efficient ways to promote the City, zero growth, spending the City's money on smarter things and clearly identifying how the monies are spent, status of code enforcement during the weekends and ramifications for confiscated illegal signs and process for repeat offenders, law enforcement supplies for AED replacement batteries, and the Community Trust Fund, and the Family Resource Center (FRC) internet satellite connection. Internet Service Connection – consider satellite comms instead of hardwire scenario because its an independent satellite

Mayor Phillips requested staff look into the matter of zero growth for police services and community services. City Manager Pulone replied staff will bring back information at the next meeting.

Staff noted it would review the Community Services staffing further and bring back clarification at the next meeting, and review the illegal sign removal and retrieval

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process and bring back options for Council consideration at a future meeting.

Councilmember Ficke suggested staff consider satellite communications for the internet service connection at the FRC as opposed to a hardwire connection because it is an independent satellite.

City Manager asked for clarification regarding the reallocation of community assistance grants on May 7 in the amount of \$1000.00.

Mayor Phillips asked if anyone wished to address the City Council. Hearing no response, Mayor Phillips closed public comments.

THERE WAS COUNCIL CONSENSUS TO APPROVE THE COMMUNITY ASSISTANCE GRANT FUNDING REALLOCATION IN THE AMOUNT OF \$1000.00 AS OUTLINED BELOW:

Ariel Rescue	\$ 2,000	
Assistance League of Capistrano Valley	\$ 600	(+100)
Laura's House	\$ 2,000	
National Council on Alcoholism and Drug Dep.	\$ 250	
South County Outreach	\$ 2,650	(+650)
South County Safe Rides	\$ 500	(+250)
Philharmonic Society	\$ 1,000	(- 500)
South Coast Symphony	\$ 1,000	(- 500)
Total	\$10,000	

Councilmember Tsunoda reminded Council about the Aliso Viejo Little League funding request to help host the District Junior Western Regional Tournament to be held in late July. Councilmember Tsunoda had brought this up at the May 7th workshop to suggest moving the unused amount of \$5,000 in the Community Services Community Promotional Grants budget in 2007-08 to the 2008-09 budget to use for such opportunities.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER CAVE SECONDED TO SUBMIT THE ALISO VIEJO LITTLE LEAGUE FUNDING REQUEST IN THE AMOUNT OF \$10,000.00 TO HELP HOST THE JUNIOR WESTERN REGIONAL TOURNAMENT ON JULY 29 TO AUGUST 5 IN ALISO VIEJO, TO COUNCIL ON JUNE 4, 2008 FOR CONSIDERATION. MOTION UNANIMOUSLY CARRIED.

Councilmember Cave suggested encumbering the \$5,000.00 this fiscal year rather than carrying it over to next year's budget in order to show no growth.

Director Tharani clarified the item should be encumbered this fiscal year.

City Manager Pulone provided clarification that if Council approves an allocation for this

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purpose, the intent would be to split it in fiscal years 2007-08 and 2008-09.

Mayor Phillips brought up the AYSO funding request for Council direction. Councilmember Ficke suggested deferring this item to June 4 since the requestor, Susan Watkins, is not present this evening.

MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO AGENDIZE THE AYSO FUNDING REQUEST ON JUNE 4, 2008, FOR COUNCIL CONSIDERATION.

Councilmember Ficke requested staff notify Susan Watkins regarding the June 4th meeting to present her request.

City Manager Pulone clarified that although the request does not indicate an amount, Council policy states a maximum contribution of \$1000.00 per fiscal year per organization and noted staff will bring back whatever information is available at the next meeting.

Councilmember Cave commented that if the Council will be considering the funding requests for AYSO and Little League, there might be a need to include \$6000 to the community promotion line item in next year's budget.

MOTION UNANIMOUSLY CARRIED.

City Manager Pulone commented the City received a funding request last week from Aliso Viejo Middle School to increase funding from \$2000 to \$3200.

Director Wilson clarified that the increase is due to the increase in tutoring hours of instruction. She further clarified that staff will provide an overview of the community grants after school programs at the next meeting.

City Manager Pulone provided a recap on the following:

- Staff will bring back additional information about the change in cost of staffing in Community Services
- Staff will bring back potential options for sign removal
- Staff will look at zero growth in Community Services
- Staff will look at a replacement program for City facilities

City Manager Pulone noted that the final proposed budget is scheduled on June 4th for Council consideration.

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PUBLIC HEARING

10. **SIGN PROGRAM PERMIT (SPP08-01) REQUEST TO AMEND THE SUMMIT SIGN PROGRAM FOR THE RENAISSANCE CLUBSPORT HOTEL**

Erica Roess, Senior Planner, briefed the staff report dated May 7, 2008.

Bob Bunyan of Robert Bunyan and Associates, presented information on behalf of the Renaissance ClubSport Hotel, regarding the redesign, relocation, and size reduction of the G2 monument sign. He noted that the G2 monument sign run into a design problem when the logo, which is a vertical element, got reduced and almost did not appear when placed on the panel. He requested Council approval of the sign amendment tonight with the understanding that the G2 sign will be resubmitted once the design has been corrected.

Mayor Phillips opened the public hearing. Hearing no response, the public hearing was closed.

MOTION: COUNCILMEMBER CAVE MOVED AND MAYOR PRO TEM GARCIA SECONDED TO APPROVE THE SIGN PROGRAM PERMIT SPP08-01 AS PRESENTED EXCEPT THE G2 MONUMENT SIGN WHICH WILL BE RESUBMITTED TO COUNCIL FOR APPROVAL.

Discussion ensued regarding timing for the approval of the G2 monument sign.

Councilmember Cave noted she misunderstood and thought that the sign was not ready. She stated she would amend her motion to approve the sign in concept with the understanding that the monument sign G2 would include changing the two horizontal panels to vertical panels without changing the original size and dimension of the sign and ask the applicant to resubmit the revised specifications.

AMENDED MOTION: MOTION BY COUNCILMEMBER CAVE AND SECONDED BY MAYOR PRO TEM GARCIA TO ADOPT RESOLUTION NO. 2008-13, ENTITLED AS FOLLOWS AND AMENDED WITH THE CONDITION THAT THE MONUMENT SIGN G2 WILL HAVE TWO VERTICAL PANELS INSTEAD OF TWO HORIZONTAL PANELS AND THAT THE SPECIFICATIONS FOR THE FINAL DESIGN WILL BE SUBMITTED TO THE CITY FOR PLACEMENT IN THE PERMANENT RECORDS OF THIS PARTICULAR APPLICATION.

RESOLUTION NO. 2008-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO APPROVING SIGN PROGRAM PERMIT SPP08-01 FOR THE SUMMIT SIGN PROGRAM AMENDMENT FOR THE RENAISSANCE CLUBSPORT HOTEL LOCATED AT 50 ENTERPRISE

MOTION UNANIMOUSLY CARRIED.

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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. Hearing no response, Mayor Phillips closed public comments.

CITY MANAGER'S REPORT

None at this time.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda: None at this time.

Cave:

- Attended the TCA budget workshop and happy to report they are projecting they will meet their 1.3 times coverage;
- Asked Council to sign a letter to the US Secretary of Commerce asking them to approve the completion of the Foothills South.

Ficke:

- Attended the Soka meeting and discussed the state budget
- Received a debriefing regarding the CUSD meeting and the joint use with the District is moving forward

Garcia:

- Attended the volunteer dinner last month and it was a good opportunity to meet the volunteers
- Attended the Aliso Viejo Street Faire at the Town Center; good turnout
- Attended taste of Aliso Niguel; good turnout

Phillips:

- Met with the School District and alerted everyone about the proposed bus reductions and to start thinking about potential impacts
- Returned from ICSC international shopping mall conference in Las Vegas with the City Manager. He noted the Town Center is moving in the right direction.
- Wished everybody a happy memorial weekend

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ADJOURNMENT: The Mayor adjourned the regular meeting at 9:35 p.m. to June 4, 2008 at 7:00 p.m. in the Council Chambers at City Hall.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS, CMC
CITY CLERK

WILLIAM A. PHILLIPS
MAYOR