

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES

REGULAR MEETING
FEBRUARY 20, 2008, 6:00 P.M.

Council Chamber, 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: The Mayor requested the Interim City Clerk to call the roll.

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

ABSENT: COUNCIL MEMBERS: PHILLIP B. TSUNODA

ALSO PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT C. SMITH, CITY ATTORNEY
LINDA D. RUTH, INTERIM CITY CLERK

PUBLIC COMMENTS: The Mayor asked if anyone wished to address the City Council on the below listed Closed Session matters; there was no response.

CLOSED SESSION: The Mayor declared the City Council recessed into Closed Session at 6:00 p.m., to consider the following matters:

1. Public Employee Appointment: City Clerk, pursuant to Government Code Section 54597.
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 7:00 p.m., welcomed the public to the meeting, and requested the Interim City Clerk to call the roll.

PRESENT: COUNCIL MEMBERS: WILLIAM A. PHILLIPS
DONALD A. GARCIA
CARMEN CAVE
GREG A. FICKE
PHILLIP B. TSUNODA (entered the
meeting at 7:13 p.m.)

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT C. SMITH, CITY ATTORNEY
LINDA D. RUTH, INTERIM CITY CLERK

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

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION: City Attorney Scott C. Smith advised there was no reportable action.

SPECIAL PRESENTATIONS

CERTIFICATE OF CONGRATULATIONS—2007 DEPUTY OF THE YEAR—DEPUTY CRUZ ALDAY: Mayor Phillips, on behalf of the City Council, recognized and presented a Certificate of Congratulations to Orange County Sheriff Deputy Cruz Alday for being selected the Mission Viejo Elks Club 2007 Deputy of the Year for Aliso Viejo Police Services. Lt. Rich Paddock gave a brief history of the annual program, noting that South County Sheriff contract cities, the California Highway Patrol, Orange County Fire Authority, and the Laguna Beach Police Department each select an awardee and at a dinner hosted by the Elks Club, presentations to the honorees are made. He advised that each awardee is selected by his peers through a written nomination process and subsequently read selected statements from Deputy Alday's colleagues. In conclusion, Lt. Paddock introduced Deputy Alday's wife and family.

PROCLAMATION SUPPORTING THE MARCH 2008 BID READ FOR ORANGE COUNTY—ORANGE COUNTY LIBRARY: Mayor Phillips, on behalf of the City Council, presented a proclamation supporting The Big Read for Orange County program to Tim Scott, Aliso Viejo Branch Librarian. Mr. Scott explained that The Big Read was an initiative of the National Endowment for the Arts, that the book being promoted to read was To Kill a Mockingbird by Harper Lee, and that the County Library had received a grant to sponsor programs and events centered around that book. Mr. Scott advised that a film screening would be held at the Aliso Viejo Branch Library on March 20th at 10:30 a.m. and 6:30 p.m. and invited the public to attend. Mr. Scott stated they were promoting a "Read It Forward" program wherein copies of the book would be available to the public at City Hall, the Library and Barnes and Noble, and after a person read it, they were to pass it on to another person. In conclusion, Mr. Scott thanked the City Council for the proclamation and invited everyone to participate in The Big Read program.

CONSENT CALENDAR

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. Council Member Cave requested that Item No. 7, First Amendment to Agreement for Planning Consultant Services with Lilley Planning

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Group be removed for discussion. No member of the public requested an item be removed.

MOTION: On motion by Council Member Cave, seconded by Council Member Ficke, the City Council took the following actions on the following Consent Calendar items:

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.

MINUTES—FEBRUARY 6, 2008 REGULAR MEETING: Approved the Minutes for the Regular Meeting held February 6, 2008, as submitted.

ACCOUNTS PAYABLE: 1) Ratified Accounts Payable checks issued January 31, 2008 in the amount of \$591,755.02. 2) Ratified Accounts Payable checks issued January 24, 2008 in the amount of \$188,895.89.

FISCAL YEAR 2008-09 BUDGET CALENDAR: Received and filed the Fiscal Year 2008-09 Budget Calendar.

PROPOSITION 42 CITY AID PROGRAM (CAP) AGREEMENT WITH COUNTY: Approved the Proposition 42 City Aid Program (CAP) Agreement with the County of Orange for participation in the CAP funding for Fiscal Year 2008-09.

END OF CONSENT CALENDAR

FIRST AMENDMENT TO AGREEMENT FOR PLANNING CONSULTANT SERVICES WITH LILLEY PLANNING GROUP: Council Member Cave removed the matter from the Consent Calendar. She stated that based upon an increase in a contract with Lilley Planning Group executed in February for \$25,000, to \$102,000 this date, covering the period through June 2008, for a sign inventory, she would need additional information. Council Member Cave stated she could not understand why a sign inventory would cost that much.

City Manager Mark Pulone advised that during the Mid-Year Budget review at the Staff level, discussions were held about what resources would be necessary to complete the sign inventory by the end of Fiscal Year 2007-08. Not knowing for certain how many hours it would take to complete the project, it was decided to increase the contract amount to \$102,000 to cover costs and not have to return to City Council with another amendment. He stated that they did not believe project completion would take four and one-half months and, therefore, the cost would be less. City Manager Pulone advised that a full-time Senior Planner is working on the project on a time and materials basis at \$85 per hour.

Council Member Cave further expressed concern about the Scope of Services included in the original contract, noting it was a nine-item performance list and did not contain a specific time limitation for completion of the project, nor any milestones. City Manager Pulone agreed with Council Member Cave and stated the Scope of Work was broader than the actual work being performed, but assured the City Council the sole responsibility of the consultant was to focus on the sign inventory. Mr. Pulone assured the City Council that Staff does monitor the progress of the work being done and that if a tangible amount work has not been completed, Staff can take the necessary steps to terminate the contract. In conclusion, Mr. Pulone stated it is not Staff's intent to maximize the amount paid under the contract, but to get the sign inventory completed as soon as possible.

In response to Council Member Tsunoda, Director of Planning Services Genia Garcia stated the contract was more generic in nature and did not include the specific services of a Planner to complete the project. Ms. Garcia explained that after pictures of all the signs are taken, the next step would be to conduct an analysis of their compliance with the Sign Code.

Mayor Pro Tem Garcia asked if the sign inventory was on commercial signs only. Ms. Garcia stated it was for commercial and retail and multiple residential projects, such as the Canyon Villas. Ms. Garcia explained that the goal was to have a list of non-conforming signs in the City and that in order to determine if a sign was non-conforming, an analysis needed to be performed against the permitted standard.

Mayor Pro Tem Garcia calculated it would take 75 hours a week in four months to spend the \$102,000 and stated he could not believe it would take four months to complete a sign inventory. Ms. Garcia interjected it could take less time. Mayor Pro Tem Garcia stated he could not support the Amendment.

Council Member Tsunoda asked if the initial contract in the amount of \$25,000 was bid and what did the Director of Planning Services think about the \$77,000 increase in the contract. Ms. Garcia responded that before the item was included in the Budget, the Director of Financial Services required Planning to obtain three bids and Civic Solutions was selected. Ms. Garcia stated that Civic Solutions provided a Planner who started the work, but became ill and had to leave. She advised that no work was performed for a couple of months. Ms. Garcia explained that the Lilley Planning Group was an off-shoot of Civic Solutions, that they had a Planner who could do the work, and the City Manager executed a contract in the amount of \$25,000 to begin the work.

Council Member Ficke expressed the opinion that the sign inventory was to be of non-conforming signs only and that the project had grown from a limited scope to a major one.

Council Member Cave noted an inventory of signs needed to be completed before the Sign Code could be enforced.

Director of Planning Services Genia Garcia pointed out that the sign inventory would provide an invaluable tool or baseline to have in addressing future sign violations or changes to permitted signs. In response to Council Member Garcia, Ms. Garcia noted that 80 percent of the inventory had been completed and that the next step would involve an analysis of the data and pictures collected. City Manager Pulone explained that the current consultant planner was making a great deal of progress on the project in a very short period of time. Mr. Pulone, therefore, recommended that staff continue to work on the sign inventory project under the original Lilley Planning Group contract and submit any necessary amendment to the City Council at a later date when a more definitive dollar amount to complete the project could be ascertained.

Mayor Phillips asked if anyone wished to address the City Council on the matter; hearing no response, he closed public comment.

MOTION: On motion by Council Member Phillips, seconded by Council Member Ficke, the City Council directed staff to submit the matter at a later date with a more definitive dollar amount to complete the project, including any necessary planning work. MOTION UNANIMOUSLY CARRIED.

DISCUSSION ITEMS

SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF): Lt. Rich Paddock, Director of Police Services, briefed his staff report dated February 20, 2008, and pointed out that the purchase of a motorcycle in the amount of \$25,000 was to replace the one that crashed during the Santiago Fires in October 2007. Lt. Paddock also noted that Laguna Woods would be going to a full-time motorcycle deputy and, therefore, their \$25,000 contribution toward the deputy and equipment would disappear. Lt. Paddock advised that in addition to the motorcycle, the purchase of two radar trailers in the amount of \$17,600 was being requested.

Council discussion ensued relative to the balance of the SLESF if both purchases were made at this time and to the insurance recovery on the damaged motorcycle. Lt. Paddock advised that there would be an approximate \$2,000 balance in the Fund and that Laguna Woods had originally purchased the motorcycle and insured it. He noted, therefore, that any insurance monies recovered and any spare parts from the damaged motorcycle would be the property of Laguna Woods.

Mayor Phillips asked if anyone wished to address the City Council on the matter; hearing no response, he closed public comment.

MOTION: On motion by Council Member Cave, seconded by Council Member Ficke, the adopted the following entitled Resolution:

RESOLUTION NO. 2008-007. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA APPROVING THE EXPENDITURE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) FOR FISCAL YEAR 2007-08.

Roll Call Vote:

AYES: COUNCIL MEMBERS: PHILLIPS, GARCIA, CAVE, FICKE, AND TSUNODA

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MOTION UNANIMOUSLY CARRIED. The Mayor declared Resolution No. 2008-007 duly passed and adopted.

PROPOSED ORDINANCE ESTABLISHING A PLANNING COMMISSION: City Attorney Scott C. Smith briefed his staff report dated February 20, 2008, noting the proposed ordinance was the result of City Council discussion held at the December 3, 2007 meeting. Mr. Smith advised that the Planning Commission was proposed to be comprised of seven members, five appointed by individual Council Members and two by the full Council; that the individual appointees would serve on the Planning Commission for the duration of the appointing Council Member's term and the remaining two to serve for two-year terms coinciding with the expiration of the other expiring terms, beginning December 2010; that automatic consideration of all Planning Commission decisions by the City Council as part of their Consent Calendar was provided; and that the existing rights of individual Council Members to discuss and/or hold a public hearing on a Planning Commission item at a future meeting would remain intact.

Mr. Smith advised that he had received comments from two Council Members subsequent to the distribution of agenda packets and noted changes to 1) Page 4, Section 2: The Development Review Committee (DRC) would be left intact until disbanded at the end of the Fiscal Year when the Zoning Code was adopted; and Planning Commissioners would be authorized to attend DRC meetings, but with no voting power (ex-officio). 2) Page 2, architect or real estate expertise would be included in the criteria for selection of at-large Commissioners.

City Attorney Scott Smith noted that the DRC staff members would not continue to serve on the DRC; that a staff advisory committee providing for a pre-application process wherein the professional staff meets with developers, as suggested by Council Member Cave, could be included in the ordinance; and that Section 7-9-4 provides for two Commissioners to serve until 2011. In response to Council Member Ficke, Mr. Smith advised that the proposed ordinance would provide for a more efficient development process.

Council Member Tsunoda noted that the redlined version of the proposed ordinance did not show the staff advisory committee deleted and expressed the opinion that it should be.

City Attorney Scott Smith asked if it was Council's preference to have the staff advisory committee participate in the zoning application process now or in the future. Mayor Phillips stated he preferred to have it in place when the new Planning Commission was in existence. Council Member Tsunoda preferred to have a date specific on the language proposed by Council Member Cave.

Council Member Tsunoda stated that if the City Council was comfortable with the changes to the proposed ordinance, it was his intent to introduce the ordinance for first reading this date, with adoption to be scheduled for the March 5th meeting, together with City Council Member appointments. Council Member Tsunoda expressed the opinion that new Commissioners should familiarize themselves with the planning process/projects by attending and participating in DRC meetings.

City Attorney Scott Smith also recommended that the City Council provide for an integrated process for applicants to meet with members of a staff advisory committee by tying it to the effective date of the ordinance adopting the Zoning Code.

Council Member Cave explained that as development applications were submitted, she wanted them to be reviewed and discussed with the developer by the staff advisory committee, but she did not want the composition of the staff advisory committee specified by department. Under Section 7-9-7, Council Member Cave recommended deletion of the composition of the staff advisory committee and that the succeeding paragraph read as follows: An administrative policy shall be established as of July 1, 2008, to provide an integrated process for applicants to meet with members of a staff advisory committee who have jurisdiction over the applicant's project and to provide direction and requirements to applicants early in the review process. An applicant shall consult with the staff advisory committee to discuss and review a project before a planning commission hearing on the project.

Council Member Cave suggested that the terms of the two at-large Planning Commissioners be staggered, one expiring in 2010 and the other in 2012, so that the technical expertise is not lost at the same time.

For clarification purposes, City Attorney Scott Smith reiterated the changes to the proposed ordinance.

MOTION: On motion by Council Member Tsunoda, seconded by Council Member Cave, the City Council introduced for first reading the following entitled Ordinance, with revisions articulated by the City Council and City Attorney this date:

ORDINANCE NO. 2008-094. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AMENDING ARTICLES 1 AND 1.5 OF DIVISION 9 OF CHAPTER 7 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE AS ADOPTED BY THE CITY OF ALISO VIEJO TO ESTABLISH AND AUTHORIZE A PLANNING COMMISSION AND AUTHORIZING AND ORDERING PLANNING COMMISSIONERS TO PARTICIPATE IN DECISIONS OF THE DEVELOPMENT REVIEW COMMITTEE AS NON-VOTING MEMBERS.

MOTION UNANIMOUSLY CARRIED.

COMMUNITY INPUT

Mayor Phillips asked if anyone wished to address the City Council at this time on any subject matter within the jurisdiction of the City Council; the following persons spoke:

1. Tom Epperson of Laguna Hills, stated the coalition to which he belongs believes that it is infeasible for both Aliso Viejo and Laguna Hills to both build animal shelters; advised the coalition was still interested in the project; and requested information about the status of Aliso Viejo's project research and if Laguna Hills would be invited to join.

City Manager Mark Pulone advised that a status report was forthcoming, and Mayor Phillips requested the City Manager to provide Mr. Epperson with the information.

2. D. R. Ohrn, Aliso Viejo Printing, requested that a permanent agenda holder be placed on the table in the back of the Chambers, since he did not see the agenda packet laying there this date.

CITY MANAGER'S REPORT

1. City Manager Mark Pulone stated Staff anticipated submitting an animal shelter update at the March 19th meeting, noting they had contacted a number of cities with shelters, held discussions with the County relating to building a new shelter, and held discussions with Laguna Hills who is aware of Aliso Viejo's investigations and who is looking at various options to enhance their service level.
2. City Manager Pulone advised that since the last City Council meeting, the City has been notified that the United States Postal Service (USPS) had provided additional information about their proposed mail distribution facility, released a supplemental environmental impact assessment document and notice of preparation of an environmental impact statement, and would hold a scoping meeting on February 27th. Mr. Pulone further advised that the City would attend the meeting, that postcards encouraging public attendance would be distributed, that the public should submit their comments in writing, and that information

relating to the environmental documentation and meeting was posted on the City's website.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda

1. Reminded and invited everyone to the Aliso Viejo Little League Opening Day event to be held Saturday, February 23rd, at Woodfield Park, commencing with the parade at 9:00 a.m.

Ficke

1. Reported that he attended the Aliso Viejo Girls Softball opening with the Mayor and threw out the second ball.

Garcia

1. Advised he would be attending Little League Opening Day for the first time.
2. Encouraged the local reporter to do whatever she could to get the word out about the February 27th USPS scoping meeting and further expressed the hope that the room would be filled to capacity with people in opposition to the project.

Phillips

1. Announced he would be calling residents tomorrow and next Tuesday and that there would be radio announcements next Tuesday about the February 27th USPS scoping meeting; and strongly encouraged everyone to attend the meeting and voice their opinion.

ADJOURNMENT: The Mayor declared the meeting adjourned at 8:37 p.m. The next regular meeting would be held March 5, 2008.

Respectfully submitted,

Approved by

LINDA D. RUTH, CMC, RET.
INTERIM CITY CLERK

WILLIAM A. PHILLIPS
MAYOR