

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
MARCH 3, 2010, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Convened closed session at 6:30 p.m.

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

ABSENT: COUNCIL MEMBERS: NONE

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 Attorney

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
WILLIAM A. PHILLIPS

ABSENT: COUNCIL MEMBERS: NONE

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
ALBERT ARMIJO, PLANNING DIRECTOR
LT. BOB OSBORNE, CHIEF, POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Cub Scout Pack 760 led the pledge of allegiance.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION – No reportable action taken at this time.

SPECIAL PRESENTATIONS

There are no scheduled special presentation items.

City Manager Pulone introduced Mike Boyle, the new Division Fire Chief in Aliso Viejo. Mr. Boyle provided some background and said he is excited and happy to be here.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

Mayor Tsunoda asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. There were no requests from the Council or the public to remove any items.

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER GARCIA SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 6, 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 FEBRUARY 17, 2010

Approved the Minutes as presented.

3. ACCOUNTS PAYABLE

Ratified accounts payable checks issued February 11, 2010 in the amount of \$537,986.41; and accounts payable checks issued February 18, 2010 in the amount of \$6,164.72.

4. TREASURER'S STATEMENT – January 2010

RECOMMENDED ACTION: Approved the January 2010 Treasurer's Statement.

5. RELEASE OF BONDS FOR VENTANA RIDGE – TRACT 16881 BMR DEVELOPMENT, LLC A CA LLC

RECOMMENDED ACTION: Adopted Resolution No. 2010-07 entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO EXONERATING THE GRADING BOND ASSOCIATED WITH VENTANA RIDGE – TRACT 16881.

6. ADVERTISE FOR BIDS – PACIFIC PARK DRIVE REHABILITATION PROJECT FROM LA PAZ ROAD TO ALICIA PARKWAY

RECOMMENDED ACTION: Approved contract documents, specifications, and plans for such project and authorized staff to advertise, evaluate bids, and recommend contractor for same.

MOTION UNANIMOUSLY CARRIED.

END OF CONSENT CALENDAR

PUBLIC HEARING ITEM NO. 7

7. REQUEST FOR CONDITIONAL USE PERMIT UPAV09-12 TO ESTABLISH A CHURCH USE WITHIN THE REGAL THEATRE COMPLEX LOCATED AT 26701 ALISO CREEK ROAD, AUDITORIUMS 12, 14, 15, 19 AND 20 IN ALISO VIEJO, CALIFORNIA

Planning Director Al Armijo presented the staff report and clarified that all church related activities would be held within the confines of the theatre.

Mayor Tsunoda opened the public hearing and asked if anyone in the audience would like to speak during the public hearing.

Robert Bunyan, applicant representative, spoke to state that he and the church pastor are present to answer any questions of the Council.

There were no further public comments and the public hearing was closed.

MOTION: COUNCILMEMBER GARCIA MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO ADOPT RESOLUTION 2010-08 ENTITLED BELOW:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO APPROVING CONDITIONAL USE PERMIT UPAV09-12 TO ESTABLISH A CHURCH USE WITHIN THE REGAL THEATRE COMPLEX AT 26701 ALISO CREEK ROAD, AUDITORIUMS 12, 14, 15, 19 AND 20.

MOTION UNANIMOUSLY CARRIED.

DISCUSSION ITEMS NOS. 8 THROUGH 10

8. **TERMINATION OF EMERGENCY REPAIR WORK ON ALISO VIEJO PARKWAY PURSUANT TO PUBLIC CONTRACT CODE 22050**

City Manager Mark Pulone presented the staff report.

Mayor Tsunoda opened public comments. No comments were received.

MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER PHILLIPS SECONDED THAT THE EMERGENCY REPAIR WORK ON ALISO VIEJO PARKWAY HAS BEEN COMPLETED AND THE EMERGENCY UNDER PUBLIC CONTRACT CODE SECTION 22050 MAY BE TERMINATED.

9. **TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) GRANT APPLICATION – JOBS FOR MAIN STREET – TOWN CENTER LOOP TRAIL PHASE 2**

Director of Public Works John Whitman presented the staff report and clarified that based on information received subsequent to the distribution of the agenda packet, that if the Council approves this item, Council would need to adopt a resolution to be included in the grant application. He noted that a resolution has been prepared by staff and copies are on the dais for Council consideration.

Questions and discussion ensued regarding the matching funds, grant distribution date, deadlines for application and construction completion, and corrections to the resolution.

MOTION: MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER FICKE SECONDED TO: 1) AUTHORIZE THE CITY MANAGER TO SUBMIT AN APPLICATION FOR \$500,000 TEA GRANT THROUGH ORANGE COUNTY TRANSPORTATION AUTHORITY; 2) AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RJM DESIGN FOR A NOT TO EXCEED AMOUNT OF \$25,000 TO COMPLETE THE DESIGN, SPECIFICATIONS, AND BID PACKAGE FOR THIS PROJECT; 3) AUTHORIZE THE CITY MANAGER TO ENCUMBER \$150,000 OF UNRESERVED GAS TAX FUNDS FRO THIS PROJECT; AND, 4) ADOPT RESOLUTION NO. 2010-09, ENTITLED BELOW,

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT (TE) PROGRAM UNDER THE JOBS FOR MAIN STREET ACT OF 2010 FOR TOWN CENTER LOOP TRAIL PHASE 2 PROJECT

AND AMENDED AS FOLLOWS: CORRECTION TO THE NINTH PARAGRAPH TO PLURALIZE THE WORD AMERICAN TO READ "AMERICANS WITH DISABILITY ACT"; AND CHANGE THE VERBIAGE IN THE TENTH PARAGRAPH TO BE MORE SPECIFIC WITH REGARDS TO THE AUTHORIZED REPRESENTATIVE.

MOTION UNANIMOUSLY CARRIED.

10. PROPOSED OPERATING SEASON FOR AQUATIC CENTER

City Manager Pulone presented the staff report and deferred additional comments to Director of Community Services Helen Wilson regarding the marketing program.

Questions and discussion ensued regarding age group demographics, how the monthly and seasonal pass costs were derived, the marketing program, restrictions on pool passes to control abuse, marketing materials to clearly indicate that the extended operating season for the months of May and September are for weekends only.

Council made the following suggestions:

- Open the pool on Friday afternoons during the open weekends in May and September
- Allow staff flexibility to manage the marketing and outreach program to respond to trends and needs
- Utilize the blue directional signs that are currently used throughout the community, to enhance visibility of the Aquatic Center
- Approve the extended operating hours of the pool for the weekends in May and September but without specified hours

- Bring back more details about the process for the pool passes

Mayor Tsunoda opened public comments. No comments were received.

FIRST MOTION (RESCINDED): COUNCILMEMBER GARCIA MOVED AND COUNCILMEMBER FICKE SECONDED TO 1) APPROVE THE OPERATING SEASON OF MAY 1 – SEPTEMBER 30 FOR 2010 BUT NOT BIND STAFF TO PARTICULAR FACILITY OPERATING HOURS; 2) APPROVE THE SALE OF MONTHLY AND SEASONAL PASSES; 3) PROCEED WITH THE MARKETING PROGRAM; AND, 4) BRING BACK ITEMS 2 AND 3 IN TWO WEEKS FOR FURTHER DISCUSSION.

AMENDED FIRST MOTION (RESCINDED): COUNCILMEMBER GARCIA MOVED AND COUNCILMEMBER FICKE SECONDED TO ADD TO THE MOTION THE FOLLOWING: BRING BACK A DRAFT FLYER FOR THE MARKETING PROGRAM AND A SCHEDULE AND TIMETABLE FOR THE MARKETING EFFORT IN 2010 WHEN IT COMES BACK IN TWO WEEKS.

AMENDED FIRST MOTION PASSED 4-1. MAYOR PRO TEM CAVE DISSENTED.

SECOND MOTION (RESCINDED): MAYOR PRO TEM CAVE MOVED TO 1) APPROVE OPERATING SEASON OF MAY 1 – SEPT 30 FOR 2010 BUT NOT BIND STAFF TO PARTICULAR FACILITY OPERATING HOURS; 2) APPROVE THE SALE OF MONTHLY AND SEASONAL PASSES USING THE 30% RULE AS RECOMMENDED BY STAFF; AND, 3) MOVE FORWARD WITH THE MARKETING PROGRAM AS OUTLINED AND SUMMARIZED IN PAGE 10-5 OF THE STAFF REPORT IN THE AMOUNT OF \$8,300.00. THIS MOTION FAILED FOR LACK OF A SECOND.

THIRD MOTION: COUNCILMEMBER GARCIA MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO RESCIND ALL PREVIOUS MOTIONS AND ACTIONS AND START OVER. MOTION UNANIMOUSLY CARRIED.

FIRST MOTION (PASSED): COUNCILMEMBER GARCIA MOVED AND MAYOR PRO TEM CAVE SECONDED TO APPROVE AN OPERATING SEASON OF MAY 1 THROUGH SEPTEMBER 30 FOR CALENDAR YEAR 2010 BUT NOT BIND STAFF TO A PARTICULAR FACILITY OPERATING SCHEDULE. MOTION UNANIMOUSLY CARRIED.

SECOND MOTION (SEE AMENDMENT): MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO 1) APPROVE THE SALE OF MONTHLY AND SEASONAL PASSES AND 2) PROCEED WITH THE MARKETING PROGRAM AS PRESENTED IN THE STAFF REPORT WITH THE UNDERSTANDING TO GIVE STAFF THE FLEXIBILITY TO MANAGE IT ACCORDINGLY AND KEEP COUNCIL INFORMED OF ANY ISSUES THAT MIGHT ARISE.

Discussion ensued regarding directional signs and bringing back a completed marketing plan in two weeks.

AMENDED SECOND MOTION (PASSED): MAYOR PRO TEM CAVE MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO 1) APPROVE THE SALE OF MONTHLY AND SEASONAL PASSES AND 2) PROCEED WITH THE MARKETING PLAN AS PRESENTED IN THE STAFF REPORT WITH THE UNDERSTANDING TO GIVE STAFF THE FLEXIBILITY TO MANAGE IT ACCORDINGLY AND KEEP COUNCIL INFORMED OF ANY ISSUES THAT MIGHT ARISE, AND BRING BACK THE PLAN TO COUNCIL IN TWO WEEKS FOR FURTHER CONSIDERATION. MOTION UNANIMOUSLY CARRIED.

Mayor Pro Tem Cave clarified that the passage of the pool passes is in concept and the pricing will come back for final approval.

THERE WAS COUNCIL CONSENSUS TO DIRECT STAFF TO BRING BACK SOME OPTIONS AND IDEAS FOR WAY FINDING DIRECTIONAL SIGNS FOR THE AQUATIC CENTER.

COMMUNITY INPUT

Ross Chun, resident, announced that the Sustainability Forum is scheduled on March 25 at 9 a.m. in the Aliso Viejo Conference Center to talk about the topic of sustainability and support Mayor Tsunoda's number 5 item regarding sustainability and energy on his 2010 top ten list.

CITY MANAGER'S REPORT

None at this time.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Ficke

None

Garcia

None

Phillips

None

Cave

None

Tsunoda

- Recognized and congratulated Susan Ramos, City Clerk, for receiving the designation of Master Municipal Clerk from the International Institute of Municipal Clerks.

ADJOURNMENT: The Mayor adjourned the meeting at 8:10 p.m. to the regularly scheduled Council meeting of March 17, 2010.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

PHILLIP B. TSUNODA
MAYOR