

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
May 7, 2003**

CALL TO ORDER

The regular meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Adams at 7:01 p.m., Wednesday, May 7, 2003 at Aliso Viejo City Hall Council Chamber, 12 Journey, Aliso Viejo, California.

A complete copy of the agenda for the meeting containing all items as shown herein was posted by 7:00 p.m. on May 2, 2003, on the outdoor bulletin board at City Hall. Copies were also posted at the Aliso Viejo Library, 1 Journey, and the Aliso Viejo Sheriff's Substation, 11 Journey.

ROLL CALL

Present: Council Member Ficke
Council Member Vali-Cave
Council Member Warkomski
Mayor Pro Tem Phillips
Mayor Adams

Absent: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lieutenant Rich Paddock, Chief of Police Services.

SPECIAL PRESENTATIONS

Mayor Adams presented a Certificate of Recognition to Cassandra Sloan, an Aliso Viejo resident, for her participation in the statewide campaign, "Cinco de Mayo Con Orgullo - Our Culture is Not for Sale". Mayor Adams lauded Cassandra for her achievement and the positive image she portrays to other teens within the community. Miss Sloan expressed appreciation to the City Council, Rubi Solano, and Helen Wilson for the Family Resource Center and the benefits it gives to the community. She also thanked the City Council for the new playground equipment.

Bob Bunyan presented a commemorative Aliso Viejo Ranch Brand to the City Council to celebrate the dedication of the Aliso Viejo Ranch to the people of Aliso Viejo on behalf of the master developers, Mission Viejo Company and Shea Homes.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

Items 2, 3, 4, and 6 were pulled from the Consent Calendar for separate consideration.

CONSENT CALENDAR

A MOTION was made by Council Member Vali-Cave, seconded by Mayor Pro Tem Phillips, to approve the Consent Calendar as described below. Motion carried, 5-0.

1. **Waive the Reading of All Ordinances**
Waived the reading of all Ordinances in their entirety and read by title only.
5. **Freeway Agreement for SR 73**
Prepared by: John Whitman, City Engineer
Approved and executed the Freeway Agreement for SR 73 between the City of Aliso Viejo and the State of California Department of Transportation.

ITEMS REMOVED FROM CONSENT CALENDAR

2. **Minutes – April 16, 2003 Regular Meeting**
Prepared by: Laurie A. Murray, Deputy City Clerk

Deputy City Clerk Laurie Murray asked that the Minutes be corrected by striking paragraph one on page four of the minutes.

A MOTION was made by Council Member Ficke, seconded by Mayor Pro Tem Phillips, to approve the Minutes as corrected. Motion carried 5-0.

3. **Warrants**
Prepared by: Gina M. Tharani, Accounting Manager

Accounting Manager Gina Tharani and City Engineer John Whitman answered questions regarding items on the April 17 warrant run. They verified that payments to Moulton & Carits represent three (3) Quarters of pass through payments for the Corridor.

A MOTION was made by Council Member Vali-Cave, seconded by Mayor Pro Tem Phillips, to:

1. Ratify warrants for April 10, 2003, in the amount of \$36,939.61; and
2. Ratify warrants for April 17, 2003, in the amount of \$510,751.63; and
3. Ratify warrants for April 23, 2003, in the amount of \$45,333.14.

Motion carried 5-0.

4. **Treasurer's Statement – March 2003**
Prepared by: Gina M. Tharani, Accounting Manager

Accounting Manager Gina Tharani answered questions regarding transfers from *Other Grants* into *General Fund*.

A MOTION was made by Council Member Vali-Cave, seconded by Council Member Ficke, to approve the March 2003 Treasurer's Statement. Motion carried 5-0.

6. **Claim Consideration - Cornejo**
Prepared by: Laurie A. Murray, Deputy City Clerk and Scott C. Smith, City Attorney

This item was pulled for discussion during Closed Session.

PUBLIC HEARINGS

None.

COUNCIL BUSINESS

7. **Special Events Ordinance**
Prepared by: Clinton Sherrod, Planning Director and Scott C. Smith, City Attorney

ORDINANCE NO. 2003-050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADDING ARTICLE 26 TO DIVISION 3 OF TITLE 5 OF THE ORANGE COUNTY CODE AS ADOPTED BY THE CITY OF ALISO VIEJO, RELATING TO SPECIAL EVENTS AND DELETING SECTION 2-5-25 OF ARTICLE 2 OF DIVISION 5 OF TITLE 2 AND SECTIONS 7-9-136.9 AND 7-9-136.11 OF ARTICLE 2 OF DIVISION 9 OF TITLE 7 OF THE ORANGE COUNTY CODE AS ADOPTED BY THE CITY OF ALISO VIEJO

RESOLUTION 2003-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ESTABLISHING FEES FOR SPECIAL EVENTS

Planning Director Clinton Sherrod gave the background.

An opinion was stated that it is appropriate to require the use of recyclable materials; and there was discussion regarding how the ordinance would be communicated to the public.

It was noted that the Ordinance be corrected by striking paragraph (e) on page 9 and renumber paragraphs (f) and (g) as (e) and (f).

A MOTION was made by Council Member Vali-Cave, seconded by Council Member Ficke, to:

1. Introduce Ordinance No. 2003-050 relating to Special Events with the corrections as noted above and;
2. Adopt Resolution No. 2003-011 establishing fees for special events; and
3. Instruct staff to adopt an Administrative Policy requiring that special events permittees (1) recycle or divert at least 50% of trash from the event; and; (2) avoid dispensing food or beverage products in polystyrene containers; and (3) include plans for such recycling or diversion in the cleanup plan submitted with the permit application.

Motion carried, 5-0.

**8. Parking along the North Side of Aliso Viejo Parkway West of Aliso Creek Road
Prepared by: Clinton Sherrod, Planning Director**

Planning Director Clinton Sherrod gave the background.

There was considerable discussion regarding a number of issues, including, liability; public safety; the gravity or severity of the situation; and setting precedents by allowing street parking. There was also substantial discussion regarding the current site; current tenants at the site; requirements that might be made of the landowner with future tenants; temporary solutions; and possible alternatives and compromises.

BY CONSENSUS, Council directed staff to continue working with the Business Owner and Landowner to develop an onsite solution and to report back to the City Council within 30 days with a progress report.

**9. Community Car Washing Ordinance
Prepared by: Scott C. Smith, City Attorney**

**ORDINANCE NO. 2003-051
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO
VIEJO, CALIFORNIA, AMENDING DIVISION 13 OF TITLE 4 OF THE
ORANGE COUNTY CODE, AS ADOPTED BY THE CITY OF ALISO
VIEJO, REGARDING STORMWATER MANAGEMENT**

City Manager David Norman and City Engineer John Whitman gave the background.

Discussion ensued regarding the effect car washes have on the watershed into Aliso Creek and Wood Canyon Creek; potential Car Wash sites and a request that they not be allowed anywhere near the Wood Canyon sub-watershed, Best Management Practices (BMP's); restriction of cleaning materials required; proposed staff procedures in working with applicants; and the effect that Mobile Detailers and Mobile Pet Groomers have on the watershed.

A MOTION was made by Council Member Vali-Cave, seconded by Mayor Pro Tem Phillips, to introduce Ordinance No. 2003-051 relating to Community Car Washing. Motion carried 5-0.

10. **Parking Restrictions at Iglesia Park**
Prepared by: Helen Wilson, Community Services and Special Projects Manager

RESOLUTION 2003-XXX
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DESIGNATING PREFERENTIAL PARKING PRIVILEGES AND PROHIBITING PARKING AT ALISO VIEJO FAMILY RESOURCE CENTER WITHOUT A PERMIT DURING SPECIFIED PERIODS

Community Services and Special Projects Manager Helen Wilson gave the background and asked that the item be discussed and brought back to a future Council Meeting as an Ordinance.

Discussion ensued regarding enforcement; permits; and creating the Ordinance broad enough that it could be used for future City facilities.

BY CONSENSUS, Council directed staff to introduce the Ordinance at the June 4 Council Meeting.

11. **Legislative Advocacy Policy**
Prepared by: David J. Norman, City Manager

RESOLUTION 2003-012
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA ESTABLISHING A LEGISLATIVE ADVOCACY POLICY

City Manager David Norman gave the background.

Mayor Pro Tem Phillips thanked Council Member Vali-Cave and City Manager David Norman for putting the policy together.

A MOTION was made by Mayor Pro Tem Phillips, seconded by Council member Warkomski, to adopt Resolution 2003-012 establishing a Legislative Advocacy Policy. Motion carried 5-0.

12. **City Representative Policy**
Prepared by: David J. Norman, City Manager

RESOLUTION 2003-XXX
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO
VIEJO, CALIFORNIA, REGARDING THE CONDUCT OF APPOINTED
REPRESENTATIVES TO BOARDS, COMMISSIONS, AND
COMMITTEES

City Manager David Norman gave the background.

Discussion ensued regarding the role of alternates and how the proposed resolution applies to them.

BY CONSENSUS, Resolution 2003-XXX regarding the conduct of appointed representatives to boards, commissions, and committees was sent back to the Representative Conduct Committee to address the role of Alternates on committees that have alternates – including the responsibility of alternates and if there is a chain of command; and if it is up to the alternate to solicit information directly from the agency or to make requests for advance information – for review and to be brought back to the Council on June 4.

13. **Appointment of Contract Review Ad Hoc Working Group**
Prepared by: David J. Norman, City Manager

City Manager David Norman gave the background.

Mayor Pro Tem Phillips volunteered and requested that Council Member Ficke also serve.

BY CONSENSUS, the Council appointed Council Member Ficke and Mayor Pro Tem Phillips to work with the City Manager on an Ad Hoc Working Group for the purpose of reviewing and renegotiating the City's contracts with Charles Abbott Associates and Best, Best & Krieger and directed staff to return with a status report on June 4.

COMMUNITY INPUT

Susana Matsko addressed the Council and asked for support for the Foxborough Elementary School "Peacemakers" team who has placed second at the Regional and State levels in a program known as Destination ImagiNation, a worldwide competition that promotes the participants' creativity, problem solving, and teamwork. Peacemakers will be the first elementary team to represent Aliso Viejo in the Destination ImagiNation Global Finals, which will take place in Knoxville, Tennessee from May 19 to May 25.

Discussion ensued regarding the cost to send the team to Knoxville; that this falls under no guidelines the City has at this time; and that because this is not an Agendized item the Council can not take action at this time.

BY CONSENSUS, the Council directed staff to Agendize this item for the May 21 Agenda.

CITY MANAGER'S REPORT

City Manager David Norman reported that the City Council would receive the Draft Proposed Budget on May 9 to give them time to review it prior to the May 21 Budget Workshop. He also indicated that the Kmart site is out to bid and should be under contract within two to three weeks and would potentially close escrow 45 days after that. He also reported that the Applebee's site is currently under contract and will also potentially close escrow within 45 days.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Nothing to report.

Council Member Vali-Cave

Council Member Vali-Cave reported that she attended the Soka University Second Birthday Celebration and spoke on behalf of Mayor Adams. She announced that the next General Plan Advisory Committee Meeting would be May 14 and encouraged Council to read the fiscal study that was done and make comments to staff now before the process is completed. Council Member Vali-Cave filed the Transportation Corridor Agency March 2003 Traffic & Revenue Report and the Draft Exploratory JPA Q & A with the Deputy City Clerk. Council Member Vali-Cave announced that she planned to attend the Contract Cities Association Conference May 29 through June 1, 2003.

Council Member Warkomski

Council Member Warkomski reported that he attended a City of Irvine sponsored *Let's Talk Water* program that was very informative. He indicated that he would like to see a similar program in Aliso Viejo sometime in the future. He also reported that he attended an event at Chapman University and had the opportunity to hear and meet Julia Butterfly-Hill, the woman who lived for two years in a tree in an attempt to save the tree from being destroyed, and found her to be extremely inspirational. Council Member Warkomski conveyed that the Director of the Vector Control Fire Ant program had been released from employment due to the success of the program.

Mayor Pro Tem Phillips

Nothing to report.

Mayor Adams

Mayor Adams thanked Council Member Vali-Cave for speaking on her behalf at the Soka University event. She reported that at the April South Orange County Association of Mayors' (SOCAM) meeting, the main topic was water quality and that the May meeting had been cancelled. She also reported that the Cable Meeting scheduled for May 5 had not occurred but that there is a meeting scheduled for May 13.

CLOSED SESSION

At 8:53 p.m. the City Council convened into closed session, with all Council Members present, regarding the following:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Item 6 from Consent Calendar - Claim Consideration – Cornejo)

Pursuant to Government Code Section 54956.9(b)
Significant exposure to litigation – 1 case

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Titles: City Manager

At 10:10 p.m. the City Council reconvened into open session, with all Council Members present.

REPORT OF CLOSED SESSION

City Attorney Jamie Raymond reported that under Closed Session Item One, **Conference with Legal Counsel – Anticipated Litigation**, Item 6, which was removed from the Consent Calendar and pulled into Closed Session was regarding an Application to File Late Claim Against Public Entity from the Law Offices of L. Scott Karlin on behalf of Renzo Cornejo. **A MOTION** was made by Council Member Ficke, seconded by Mayor Pro Tem Phillips, to reject the claim. Motion carried 5-0. She further reported that Closed Session Item number two was regarding a public employee performance evaluation and no action was taken.

ADJOURN

There being no further business, at 10:20 p.m. Mayor Adams declared the meeting adjourned.

Submitted By:

Approved By:

Laurie A. Murray
Deputy City Clerk

Cynthia Adams
Mayor