

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 7, 2011, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Cave called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:10 p.m.

ROLL CALL:

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

ABSENT: COUNCIL MEMBERS: NONE

STAFF PRESENT: MARK A. PULONE, CITY MANAGER
SCOTT C. SMITH, CITY ATTORNEY
SUSAN A. RAMOS, CITY CLERK
GLENN YASUI, ADMINISTRATIVE SERVICES DIRECTOR
KAREN CROCKER, COMMUNITY SERVICES DIRECTOR
JOHN WHITMAN, PUBLIC WORKS DIRECTOR/CITY ENGINEER
SHAUN PELLETIER, ASSISTANT CITY ENGINEER
ALBERT ARMIJO, PLANNING DIRECTOR
JENNIFER LOWE, ASSOCIATE PLANNER
LARRY LAWRENCE, PLANNING CONSULTANT
LT. ROBERT OSBORNE, CHIEF OF POLICE SERVICES
SGT. DJ HALDEMAN, POLICE SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by the Barraza family of the Aliso Viejo Boys and Girls Club.

SPECIAL PRESENTATIONS

A. COUNCIL RECOGNITION AND PRESENTATION TO NIGUEL ALISO NATIONAL JUNIOR BASKETBALL DIVISION 2 LAKERS FOR ITS IMPRESSIVE ACCOMPLISHMENT

Mayor Cave introduced Coach Bob Kerner who gave a report on the team's victory and expressed thanks. Certificates of recognition were presented to: Connor Siesel, Aiden Wallace, Dominic Sadeghi, Ryan Diluchio (absent), Michal Kerner, Preston Robinson, Josh Ellis, Mitchell Zone and Justin Evans. Coach Bob Diluchio was absent.

B. COUNCIL RECOGNITION AND PRESENTATION TO ALISO VIEJO LITTLE LEAGUE 10/11 YEAR OLDS DISTRICT 55 ALL STAR CHAMPIONS

Mayor Cave introduced Coach Sigler, who expressed thanks and reported on the team's victory and the process for the all star selection. Certificates of recognition were presented to the following: Connor Kokx, Carter Matthys, Ryan Poirot, Jake Briones, Brett Helmkamp, Christopher Aubort, Ryan Diluchio, Chris Pimentel, Luke Sigler, Tyler Jones, Mitchell Zone and Josh Beever. Coaches Kirby Helmkamp and Scott Poirot were also present.

C. PROCLAMATION DECLARING INTERNATIONAL WALK TO SCHOOL DAY ON OCTOBER 5, 2011

Mayor Cave introduced Margo Beauchamp, Crime Prevention Specialist, the City's program manager, and Carla DiCandia, representing Mission Hospital, to accept the proclamation. Ms. Beauchamp gave an overview about the program and its related activities and thanked the Council for their support and Ms. DiCandia also expressed thanks and appreciation.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None

CONSENT CALENDAR

Mayor Cave asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. Councilmember Tsunoda requested to remove agenda item no. 7 from consent for discussion. No member of the public requested that an item be removed for discussion.

MOTION: MAYOR PRO TEM GARCIA MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 -10 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 AUGUST 17, 2011**

Approved the Minutes as submitted.

3. ACCOUNTS PAYABLE

Ratified Accounts Payable checks issued August 11, 2011 in the amount of \$95,510.47; Accounts Payable checks issued August 18, 2011 in the amount of \$616,596.37; and, Accounts Payable checks issued August 25, 2011 in the amount of \$245,684.39.

4. TREASURER'S STATEMENT - JULY

Approved the July Treasurer's Statement.

5. ALLOCATION OF FUNDS FOR GIFT OF HISTORY EVENT

Supported and approved the allocation of funds in the amount of \$2,500 for the Gift of History event and authorize the appropriation of \$2,500 from the unreserved general fund balance.

6. POLICY ON AD HOC AND STANDING COMMITTEES

Adopted said City Council Policy.

8. RELEASE OF BONDS FOR PUBLIC STREET IMPROVEMENT AT GLENWOOD (SHEA HOMES) TRACT 16969 (RESCHEDULED FROM AUGUST 17, 2011 COUNCIL MEETING)

Adopted Resolution 2011-25 below:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, EXONERATING SURETY BONDS ASSOCIATED WITH GLENWOOD – TRACT 16969

MOTION CARRIED UNANIMOUSLY FOR ITEMS 1 AND 3 – 6 AND 8. MOTION CARRIED 4-0 FOR ITEM NO. 2, WITH COUNCILMEMBER FICKE ABSTAINING. AGENDA ITEM NO. 7 WAS REMOVED FROM CONSENT AND MOVED TO FOLLOW ITEM NO. 10.

END OF CONSENT CALENDAR

PUBLIC HEARING ITEMS NOS. 9 AND 10

9. REQUEST FOR A CONDITIONAL USE PERMIT AND EXCEPTION PERMIT UNDER PLANNING APPLICATION PA10-025 (CUP/EP) TO AMEND PREVIOUSLY APPROVED CONDITIONAL USE PERMITS UPAV06-01 AND

UPAV06-10 FOR 140 AND 150 COLUMBIA IN ALISO VIEJO, CA AND ALLOW EXPANSION OF A CHURCH USE INTO 120 COLUMBIA 9 (CONTINUED FROM AUGUST 17, 2011 COUNCIL MEETING)

Jennifer Lowe, Associate Planner, presented the staff report, noting a correction to the referenced Code citation in the proposed Condition of Approval No. 5.

Questions and discussion ensued regarding the center island, concern about unscheduled or irregular activities that might come up during the week causing potential safety and parking issues, safety access measures, and public notification.

Mayor Cave opened the public hearing.

- 1) Jeff Dunlap, property owner, stated he valued the tenancy of Compass Bible Church, noting they uphold the highest standards and they do not usually receive any complaints.
- 2) Rick Talcott, Business Manager, Compass Bible Church, Applicant, expressed thanks for the opportunity to expand their facilities and expressed support of staff's analysis and proposed conditions of approval. He also responded to the concern regarding irregular/unscheduled activities and the impact to parking, stating there are not many of the unscheduled activities and parking will be mitigated and safety enforced during these times.

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

Additional questions and concerns ensued regarding future expansions, exception permit, document recordation, trigger to the CUP if shared parking is lost, and adding a condition requiring the applicant to submit an annual parking monitoring report for staff's review/evaluation.

MOTION: COUNCILMEMBER PHILLIPS MOVED AND MAYOR PRO TEM GARCIA SECONDED TO ADOPT RESOLUTION NO. 2011- 23 AS AMENDED TO CORRECT THE CODE CITED IN CONDITION OF APPROVAL NO. 5 AS REPORTED BY STAFF, AND INCLUDE AN ADDITIONAL CONDITION OF APPROVAL REQUIRING THE APPLICANT TO SUBMIT AN ANNUAL PARKING MONITORY REPORT FOR STAFF'S REVIEW AND EVALUATION.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT AND EXCEPTION PERMIT UNDER PLANNING APPLICATION PA10-025 (CUP/EP) TO AMEND PREVIOUSLY APPROVED CONDITIONAL USE PERMITS UPAV06-01 AND UPAV06-10 FOR 140 AND 150 COLUMBIA IN ALISO VIEJO,CALIFORNIA, AND ALLOW EXPANSION OF A CHURCH USE INTO 120 COLUMBIA

MOTION UNANIMOUSLY CARRIED.

10. PLANNING APPLICATION PA 11-017 (SDP/CUP): INCLUSIVE OF A REQUEST FOR A SITE DEVELOPMENT PERMIT TO ALLOW INSTALLATION OF EIGHT LIGHT POLES RANGING IN HEIGHT FROM SIXTY TO SEVENTY FEET ABOVE GRADE TO ACCOMMODATE NIGHT GAMES AND PRACTICES AND A CONDITIONAL USE PERMIT TO ALLOW INSTALLATION OF A TWO HUNDRED FIFTY SIX (256) SQUARE FOOT PREFABRICATED RESTROOM BUILDING TO REPLACE EXISTING PORTABLE TOILETS AT FOXBOROUGH PARK

Director of Planning Services Albert Armijo presented the staff report. He noted additional public comments have been received by staff since the printing and distribution of the agenda, including the first one received which staff has been able to respond to and copies have been distributed to Council, staff and the public. Mr. Armijo also announced that representatives from Musco Lighting and RK Engineering are present for questions.

Questions and discussion ensued regarding CEQA findings pertaining to noise, traffic counts, and light and glare, public notification which exceeded the standards, time constraints for use of lights, topography and depth of park to surrounding residential area.

Ross Chun, AVCA President and Marilyn Smith, Office Manager, responded to questions pertaining to security and maintenance schedule of restrooms, noting restrooms automatically lock and lights are turned off when the parks close at 10:00 p.m. earlier during winter hours. Ms. Smith also responded to questions regarding maintenance of trash receptacles to align with increased usage.

Staff responded to questions regarding the schedule of activities for the parks during for the week and weekend hours.

Mayor Cave opened the public hearing and the following persons spoke:

- 1) Brian Anrtson expressed concern about park aesthetics and the proposed lighting.
- 2) Christopher Schneider expressed opposition to the proposed lighting and duration of noise from the activities, noting the neighborhood already experiences light and noise impacts from the high school, middle school and Woodfield Park.
- 3) Al Ellaboudy echoed the concerns expressed by Mr. Schneider, he also expressed concern about safety and parking from non residents in the neighborhood and asked that the City's analysis include traffic generated by the high school.
- 4) Ralph Roche expressed concern about the noise and traffic on Deerhurst, a two-lane road.
- 5) John Booras echoed other speakers' comments, expressed concern about the lack of notification, the potential expansion of use to other sports groups, and would like the conditions of approval to be enforceable.
- 6) Sharon DeJean Murray asked who the applicant is and about the application and

notification process.

- 7) Mike Conley, Islands HOA president, stated he understands the frustration of the residents especially since they have to live with the impacts from the high school, middle school and now Foxborough Park. He also commented on impact to property values and the lighting being close to the homes.
- 8) Darryl Ross, AYSO Regional Commissioner, provided background information about AYSO, its schedule and sports fields. He described the process of how this project came to be, noting that about 50 percent of the players are from Aliso Viejo. He thanked the Council and requested project approval.
- 9) Lise Ketterer, commented that the sports programs are affordable and provides for a safe environment for the kids.

There was no further public testimony at this time.

Questions and discussion ensued regarding traffic study and parking taking into account the high school activities, City standards for noise duration, restroom issues including graffiti and shelter for the homeless, aesthetics and line of sight, public notification, schedule for use of lights, type of lighting fixture (glare and energy efficient), amplified music, the lumen study, AYSO's park use and high school activities.

Karen Pekala, representative from Musco Lighting, described the proposed lighting product that will be used noting it will be glare and energy efficient for sports lighting as compared to the lighting installed at Woodfield and the high school.

Darryl Ross, AYSO Regional Commissioner, responded that the primary use of the fields will be for practices on Tuesdays through Thursdays, and Saturday night games. He noted that if there is a concern about football nights at the high school, AYSO can schedule use of the park without lights at that time.

Jeff Carducci, ANHS representative, responded about the school's game schedule and traffic congestion in and around the high school, and concurred it would help to coordinate the high school activities with AYSO games at Foxborough Park.

Questions ensued regarding distance of the proposed lights to the homes in the area and the difference in home floor elevations in the Islands community to the floor of the park. This information was not available at this time.

MOTION: MAYOR CAVE MOVED AND MAYOR PRO TEM SECONDED TO CONTINUE THE PUBLIC HEARING TO THE COUNCIL MEETING OF OCTOBER 5, 2011 TO ALLOW STAFF TO BRING BACK ADDITIONAL INFORMATION REGARDING ELEVATIONS, AND DIRECT STAFF TO ADD A CONDITION OF APPROVAL FOR THE PARK TO SET A TIME LIMIT ON THE USE OF THE LIGHTS AND ANY AMPLIFIED SOUNDS, AND TO COORDINATE EVENTS AND ACTIVITIES REQUIRING USE OF LIGHTS WITH THE ALISO NIGUEL HIGH SCHOOL. MOTION UNANIMOUSLY CARRIED.

PULLED FROM CONSENT AND MOVED TO THIS PLACE ON THE AGENDA

7. MEMORANDUM OF UNDERSTANDING (MOU) RELATING TO RESERVE FUNDING FOR FOXBOROUGH PARK LIGHTING IMPROVEMENTS

Councilmember Tsunoda removed this item from consent for discussion and gave a report chronological order of events to date for the Foxborough Park improvements. He noted the presence of the AVCA Board this evening and encouraged them to come forward and offer their comments.

Mayor Cave opened public comment and the following spoke:

- 1) Tony DeGruccio, Recreation Ad Hoc Committee Member, expressed concern over the lack of communication from AVCA about the appropriated funds in their budget for park improvement despite several meetings with various board members including Mr. Chun in the past six years to discuss various park improvements; and, the false statement that many of the decisions made by the Committee excluded input from AVCA. He expressed support for the collaborative efforts of those who are working to improve our parks.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER PHILLIPS SECONDED TO APPROVE SAID MOU BETWEEN THE CITY AND AVCA RELATING TO RESERVE FUNDING FOR THE FOXBOROUGH PARK LIGHTING IMPROVEMENTS; AUTHORIZE THE MAYOR TO EXECUTE SAID MOU; AND, DIRECT THE FINANCE DIRECTOR TO ESTABLISH A RESERVE IN THE AMOUNT OF \$421,684 FOR THE REPLACEMENT OF THE FOXBOROUGH PARK LIGHTING IMPROVEMENTS, WITH THE UNDERSTANDING THAT IF THERE ARE ANY CHANGES MADE TO THE SDP/CUP FOR THE FOXBOROUGH PARK IMPROVEMENT PROJECT, THE MOU WOULD BE AMENDED TO ALIGN WITH THOSE CHANGES. MOTION UNANIMOUSLY CARRIED.

DISCUSSION ITEMS NOS. 11 AND 12

11. COST SHARING AGREEMENT WITH AMERICAN YOUTH SOCCER ORGANIZATION REGION 889 FOR PARK IMPROVEMENTS

City Manager Pulone stated he received a request from Darryl Ross, AYSO Regional Commissioner, to continue this matter to the next Council meeting.

Mayor Cave opened public comments and there was none.

MOTION: COUNCILMEMBER FICKE MOVED AND COUNCILMEMBER TSUNODA SECONDED TO CONTINUE THIS ITEM TO THE COUNCIL MEETING ON OCTOBER 5, 2011. MOTION UNANIMOUSLY CARRIED.

12. IRREVOCABLE OFFER OF DEDICATION (IOD)

Glenn Yasui, Director of Administrative Services, presented the staff report.

Council expressed comments and concerns about timing issues, impact to the City, associated costs, increasing demand for youth sports, use of other facilities such as middle schools for sports venues, and grant funding for parks.

Mayor Cave opened public comments and there were none.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER FICKE SECONDED TO DIRECT STAFF TO BRING IT BACK IN A MONTH WITH ADDITIONAL LEVEL OF DETAILS ON PARK MAINTENANCE, CONTRACTS THAT PROVIDE CURRENT PARK SERVICES, AND DOCUMENTS PERTAINING TO THE IOD EXERCISE DURING THE PLANNING OF THE ALISO VIEJO RANCH.

MAYOR CAVE NOTED SHE WOULD SUPPORT THE MOTION BUT WOULD BE SENSITIVE TO THE PROCESS WITH AVCA.

MOTION UNANIMOUSLY CARRIED.

COMMUNITY INPUT

None at this time.

CITY MANAGER'S REPORT

None at this time.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Ficke:

- Reported on the successful grand opening of Chick Fil-A located in the Town Center on September 1, 2011.

Tsunoda:

- Invited the public, Council and staff to the Gift of History event for Aliso Viejo third graders on September 30, 2011 at the Aliso Viejo Conference Center.

Garcia:

- Presented a comprehensive list of responses to all of the comments received from the public and comments that appeared in www.Patch.com pertaining to items including the City's Recreation Ad Hoc Committee meetings, park improvement project funding and maintenance, AVCA budget, stakeholders, transparency and communication, and Creekside Park.

Cave

- Reported on the successful grand opening of Chick Fil-A located in the Town Center on September 1, 2011.

ADJOURNMENT: Mayor Cave adjourned the meeting at 10:00 p.m. to the next regular Council Meeting of October 5, 2011. The Council meeting of September 21, 2011 will be canceled.

Respectfully submitted,

Approved by:

SUSAN A. RAMOS
CITY CLERK

CARMEN L.CAVE
MAYOR