

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
December 6, 2006**

CALL TO ORDER

The regular meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Cave at 7:08 p.m. on Wednesday, December 6, 2006, at the Aliso Viejo City Hall Council Chambers, 12 Journey, Aliso Viejo, California.

A complete copy of the agenda for the meeting containing all items as shown herein was posted by 6:00 p.m. on November 30, 2006, 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.

PLEDGE OF ALLEGIANCE

Chief of Police Services Lt. Paddock led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Carmen Cave
Mayor Pro Tem Cynthia D. Adams
Council Member Greg Ficke
Council Member William A. Phillips
Council Member Karl P. Warkowski

Absent: None.

SPECIAL PRESENTATIONS

Mayor Cave requested Planning Director Garcia and Community Services and Special Events Manager Wilson to introduce their new staff to Council. Planning Director Garcia introduced the new Assistant Planner, Jennifer Lowe, and gave a brief background of her professional experience. Community Services and Special Events Manager Wilson introduced the new Community Services Specialist, Gracie Duran, and gave a brief background of her professional experience.

Mayor Cave requested Administrative Services Manager Yasui to describe the accomplishments of the first Leadership Academy. He described the program that was developed to inform the citizens of city services. Administrative Services Manager Yasui gave each participant their Certificate of Recognition and a

congratulatory gift. City Manager Pulone thanked Administrative Services Manager Yasui for his hard work.

Mayor Cave described the proclamation declaring the month of December 2006 as National Drunk & Drugs Driving Prevention Month. Mayor Cave stated the importance of this cause especially during the holiday season.

Mayor Cave requested Susan Davis, President for the Ariel Rescue, to the podium. President Davis gave an update of the year's activities in Aliso Viejo and the animal services they provide. She informed the audience of the upcoming fundraiser, a bake sale and Photos with Santa Claus on Saturday December 16th at the Aliso Viejo PetSmart store.

PROCLAMATIONS PRESENTED ELSEWHERE

Mayor Cave stated that Certificates of Recognition were given to Scoutmaster Thompson for their High Court to recognize the Boy Scouts who obtained the Eagle Scouts designation: Ian Chiu, John Kopinski, and Taylor Stilwagner.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

City Manager Pulone stated that additional documentation on Item Number 5, Adoption of Ordinance on Zoning Ordinance Amendment ZOA AV06-01 for a Massage Ordinance, and Item Number 9, Certification of Election Results, were distributed to Council at the dais.

A MOTION was made by Council Member Phillips and seconded by Council Member Warkowski, to approve the Consent Calendar as described below except Item Number 5 Adoption of Ordinance on Zoning Ordinance Amendment ZOA AV06-01 for a Massage Ordinance and Item Number 11 Lot Line Adjustment No. LL06-04 for Tract No. 16865, Vantis Residential, Shea Properties. Motion carried unanimously, 5-0.

1. Waive the Reading of All Ordinances

Waived the reading of all Ordinances in their entirety and read by title only.

2. **Minutes – November 1, 2006 Meeting**

Approved the Minutes as submitted.

3. **Warrants**

1. Ratified warrants issued November 9, 2006, in the amount of \$84,773.54;
2. Ratified warrants issued November 16, 2006, in the amount of \$322,616.34; and
3. Ratified warrants issued November 23, 2006, in the amount of \$11,585.67.

4. **Treasurer's Statement – October 2006**

Approved the October 2006 Treasurer's Statement.

6. **Award Contract to Hartzog & Crabill, Inc. for Traffic Engineering Services of Traffic Signal Operations**

1. Awarded contract to Hartzog & Crabill, Inc. (HCI) to perform Traffic Engineering Services of Traffic Signal Operations citywide; and
2. Authorized the City Manager to execute a professional services contract with HCI for an amount not-to-exceed \$60,000.

7. **Adoption of the Local Hazard Mitigation Plan (LHMP)**

RESOLUTION NO. 2006 - 052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE SUBMITTAL OF THE CITY OF ALISO VIEJO LOCAL HAZARD MITIGATION PLAN TO THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES

Adopted Resolution No. 2006 – 052 approving the City of Aliso Viejo Local Hazard Mitigation Plan for submission to the State of California Department of Emergency Services.

8. **Zuvich Corporate Advisors Agreement for Property Leasing Consultant Services**

Approved the Professional Services Agreement with Zuvich Corporate Advisors (ZCA) for property leasing consultant services and authorized the Mayor to execute said Agreement.

9. **Certification of Election Results**

RESOLUTION NO. 2006 - 053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, CERTIFYING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 7, 2006

Adopted Resolution No. 2006 – 053 reciting the fact of the General Municipal Election held on November 7, 2006 declaring the result and such other matters as provided by law.

10. **Call Bids for Iglesia Park Building Reroofing and HVAC Replant**

Approved the Contract Documents and directed Staff to advertise, evaluate bids, and recommend contractors for City Council selection to provide 1. Reroofing, and 2. Replacement of HVAC system for the Iglesia Park Building.

12. **Annual Report to the State Office of Housing and Community Development and Office of Planning and Research concerning the status of the General Plan and the City's implementation of the General Plan**

1. Received and file the 2005-2006 Annual Report concerning the General Plan and the Implementation Plan of the General Plan;
2. Directed Staff as necessary concerning the proposed work program for the period of July 1, 2006 through June 30, 2007; and
3. Directed Staff to forward the Annual Report to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) as required by Section 65400 of the Government Code.

13. **Community Assistance Grants Policy Revision**

1. Adopted the Revised Council Policy No. 100-6, Funding of Community Assistance Grants for Community Services, Programs and Activities; and
2. Repealed Resolution No. 2002 – 007.

ITEMS REMOVED FORM THE CONSENT CALENDAR

5. **Adoption of Ordinance on Zoning Ordinance Amendment ZOA AV06-01 for a Massage Ordinance**

ORDINANCE NO. 2006 - 087

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADDING ARTICLE 24 TO DIVISION 3 OF TITLE 5 OF THE ORANGE COUNTY CODE, AS ADOPTED BY THE CITY OF ALISO VIEJO, REGARDING THE REGULATION OF MASSAGE ESTABLISHMENTS, MASSAGE TECHNICIANS AND MASSAGE PRACTITIONERS

Mayor Pro Tem Adams discussed a possible amendment that live scan for fingerprinting be accepted from another agency by the Sheriff Department. Chief of Police Services Lt. Paddock stated that OCSD preferred to keep the control in-house; however, he would be amendable to changes in the future if technology and security were assured. Mayor Pro Tem Adams questioned the timeline for an appointment to be fingerprinted and stated that she waited two weeks for her appointment. Chief of Police Services Lt. Paddock stated that sometimes the system gets backed up because of scheduling. Mayor Pro Tem Adams asked if there was a way to expedite the process in the future. Chief of Police Services Lt. Paddock stated that as soon as the fingerprints were scanned by OCSD, they were immediately sent electronically to the State's Department of Justice, which may have delays in the processing.

A MOTION was made by Council Member Ficke and seconded by Council Member Phillips, to adopt Ordinance No. 2006 - 087, adding Article 24 to Division 3 of Title 5 of the Orange County Code, as adopted by the City of Aliso Viejo, to establish a comprehensive regulatory scheme for Massage Establishments, Massage Technicians and Massage Practitioners; and to authorize the City Clerk to publish a Summary of said Ordinance. Motion carried unanimously, 5-0.

11. **Lot Line Adjustment No. LL06-04 for Tract No. 16865, Vantis Residential, Shea Properties**

RESOLUTION NO. 2006 - 054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT NO. LL06-04 FOR TRACT NO. 16865 (VANTIS RESIDENTIAL), SHEA PROPERTIES

Mayor Cave stated that the map had no site location. She requested detailed information from an Applicant and Staff. City Engineer Whitman gave a description of the proposed lot line adjustment.

A MOTION was made by Mayor Cave and seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2006 – 054 approving Lot Line Adjustment No. LL06-04; and to authorize Staff to record proper documents with the County of Orange Recorder/Clerk. Motion carried unanimously, 5-0.

Council Member Phillips wanted a detailed map of the lot line adjustment for the Applicant's file. City Engineer Whitman stated that the map to be recorded was three pages and will reflect the appropriate changes and site the location.

POST ELECTION MATTERS

14. Swearing in Elected Officials

Assistant to the City Manager/City Clerk Robinson sworn in the incoming Council Members, Cynthia Adams and Carmen Cave. Each Council Member took their respective places at the dais.

PUBLIC HEARING

15. Resolution establishing fees for Massage Licenses

PROPOSED RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ESTABLISHING FEES FOR MASSAGE LICENSES

City Manager Pulone requested continuance of this item to January 3, 2007.

Mayor Cave opened the item for public testimony. There being none, Mayor Cave closed the item for public testimony.

A MOTION was made by Council Member Ficke and seconded by Council Member Phillips, to continue the Public Hearing to January 3, 2007. Motion carried unanimously, 5-0.

COUNCIL BUSINESS

16. Consideration of Participation in Study to determine feasibility of creating a Joint Powers Authority (JPA) for municipal animal services

City Manager Pulone gave a brief background from the staff report.

Discussion ensued regarding that the speakers on this item provide their residential location for the record; why other cities in the areas were not contacted; if there was outreach to cities from the cities listed; the desire to conduct a feasibility study; Mayor Cave's experiences with Animal Control Services; the question whether it would make sense to include the cities of Laguna Woods and Laguna Niguel; does contiguousness add to effectiveness or cost savings to the delivering of service; the different level of services depending on the number of cities participating; whether the shelter will be a true "no kill" shelter; and how it is determined which animals are available for adoption.

Mayor Cave opened the item for public comment.

Rose Clime lives in Mission Viejo but spends several hours in Aliso Viejo. She spends numerous hours volunteering and educating citizens on animal care and their facilities. She stated that the need is great in Aliso Viejo for this project and they want a shelter closer to home. She urged the Council to move forward on the feasibility study.

Jean Bland from Laguna Hills read a letter dated in 1983 from Supervisor Thomas F. Riley about the difficulty in finding an acceptable site for a South Orange County Shelter. She stated that a South Orange County facility would be more preferable than driving to County of Orange. She answered the Council's inquiry that the City of Laguna Hills did contact the City of Laguna Beach. She stated that the City of Laguna Hills contacted other shelters and the only one available was the one at City of Mission Viejo. She mentioned that the City of Escondido partially funds their shelter through a thrift shop. She distributed information to the Council.

Wendy Rashall owns a kennel in Laguna Hills and is an Aliso Viejo resident. She stated that the public needs to be educated on shelters and the treatment of the animals. She believes that the public was unaware of the inhumane treatment of animals.

Melba Capuano, a resident of Aliso Viejo, hoped that the Council received her email regarding the kitten she found in Mission Viejo. She stated that she went to the Mission Viejo shelter. The Shelter would not accept the kitten because she was an Aliso Viejo resident even though she found the kitten in Mission Viejo. She stated that there was a need for a shelter and supported having one.

Donna Barnard, a resident of Aliso Viejo, stated that she had a definition of a "no kill" shelter. She stated that the experiences conveyed by others were typical and the shelters were overcrowded. She stated that half of the cats were killed. She stated that there was a definite need for a shelter here.

Amber Woodcock, who worked at the Mission Viejo Animal Shelter, apologized for poor service regarding the lost kitten. She explained the services provided for the City of Mission Viejo. She stated that officers are dispatched to a specific territory and it would not be a problem to serve the five cities, which is the same procedure as the County of Orange. She stated the services and shelter size: City of Mission Viejo serves two cities and has approximately four to five acres each; City of San Clemente and City of Irvine serve their citizens and each have approximately two to three acres; and the County of Orange has approximately four to five acres and serves twenty-two cities. She stated that there was a great need for an animal shelter in the area. She was thankful that the Council was supportive of this cause.

David Russell Ohrn, Business Owner of Aliso Viejo Printing and Representative for Senator Ackerman, stated he served on the Ad Hoc Committee for the formation of the animal shelters in cities of San Clemente and Irvine. He stated that the Council's duty is to provide services to the citizens and the citizens have spoken. He encouraged the Council to endorse the feasibility study.

There being no further speakers, Mayor Cave closed the item for public comment.

Discussion ensued regarding how much of an allocation is needed; the need to have an approval at the mid-year budget; the suggestion to allocate up to \$10,000 for the study; the recommendation to contact the other cities; the future needs of other cities in regards to adequate spaces or overflow capacity, the future costs being properly forecasted; the appropriate location be chosen and not the least expensive parcel available; the necessity of all five cities to participate; the possibility of inviting other areas (e.g. Coto de Caza and Ladera Ranch) to be considered in the study; the least expensive expenditure not being the best solution; the excuses given for not having a shelter; the need to lobby other cities on this decision; the suggestion to allocate up to \$15,000 for the feasibility study; the scope of work proposed; the organization structure created at the City of San Clemente; other cities not participating in the study yet wanting to participate in the shelter at a future date; exploring the possibility of joint partnership with San Clemente and Mission Viejo to expand the services by possibility adding a third shelter; and if there is no cooperation with the other cities, then the project should be reevaluated and the study refined.

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Phillips, to proceed with the participation of a feasibility study with a not-to-exceed \$25,000 and that Staff keep Council informed and provide the input for this community. Motion carried unanimously, 5-0.

Council Member Phillips hoped that if the decision to participate is only

approved by the cities of Aliso Viejo and Laguna Hills then he hoped that the scope of work would be revised. Mayor Cave stated that she wanted the issues and concerns of the community addressed. Council Member Warkomski asked if a pre-selection of a Council Member was needed on this project. Mayor Cave stated that the Joint Powers Authority Agreement and RFP will require Council approval and that Staff is directed to move forward and inform Council on the process including the Scope of Work. Mayor Pro Tem Adams wanted to be informed on the process, including the RFP and the issues addressed. Mayor Cave stated that she will try to attend the other Council Meetings and encouraged Council Members to speak to Elected Officials from the other cities.

17. Comprehensive Annual Financial Report (CAFR)

Financial Services Manager Tharani gave a brief background from the staff report. She stated that revenues increased by \$18.2 million and expenditures increased by \$5.4 million. She attributed the increase of revenues to the robust housing market, increase on sales tax revenues, excellent short term investment environment, the development agreements, and the reconciliation of the State's budget. She stated that four of the seven revenue neutrality payments have been paid to the County. Mayor Cave thanked Financial Services Manager Tharani for her hard work and financial diligence.

Mayor Cave opened the item for public comment. There being none, Mayor Cave closed the item for public comment.

There was consensus from Council to receive and file this item.

18. Participation in the Aliso Creek Watershed Electeds Coalition

City Manager Pulone gave a brief background from the staff report.

Discussion ensued regarding the purpose of the Coalition; the frustration of filing reports with no results on the quality of water; the reason why the Coalition was created by the City of Laguna Beach in order to better analyze and evaluate the potential funding of the super project committee; the reduction of potential liability when the cities are informed; the cities would be better able to participate and be informed of the potential grant funding opportunities being sought by the County; the cost of cleansing ponds; the importance of participating in the Coalition; the lack of a voice as a co-permittee on this project with the County; the layer of oversight from the Elected Officials; the request from Council Member Warkomski to be appointed to the Coalition; if an Alternate could be appointed; and Council Member Ficke volunteering to be the Alternate.

Mayor Cave opened the item for public comment. There being none, Mayor Cave closed the item for public comment.

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Phillips, to nominate Council Member Warkowski as the Aliso Creek Watershed Electeds Coalition Representative and Council Member Ficke to serve as the Alternate. Motion carried unanimously, 5-0.

19. City Council Reorganization

City Manager Pulone gave a brief background from the staff report.

Mayor Cave opened the item for public testimony. There being none, Mayor Cave closed the item for public testimony.

Mayor Cave entertained nominations from the dais.

Nomination for Mayor

A nomination was made by Mayor Cave for Cynthia Adams to serve as Mayor. Hearing no other nominations from the dais, Mayor Cave closed the nominations for Mayor.

A MOTION was made by Mayor Cave and seconded by Council Member Phillips, to nominate Cynthia Adams as Mayor for Calendar Year 2007. Motion carried through acclamation.

Nomination for Mayor Pro Tem

Mayor Cave entertained nominations from the dais.

A nomination was made by Council Member Warkowski for Carmen Cave to serve as Mayor Pro Tem.

A nomination was made by Council Member Ficke for Greg Ficke to serve as Mayor Pro Tem.

Hearing no other nominations from the dais, Mayor Cave closed the nominations for Mayor Pro Tem.

A MOTION was made by Council Member Warkomski and seconded by Council Member Phillips, to nominate Carmen Cave as Mayor Pro Tem for calendar year 2007. Motion carried as follows:

AYES: Council Members Adams, Phillips, Warkomski, and Mayor Cave.

NOES: Council Member Ficke.

ABSTAIN: None.

ABSENT: None.

20. Presentation of Gavel to Mayor

Mayor Pro Tem Adams presented Mayor Cave with a plaque in appreciation for her term as Mayor and thanked her for her great leadership and her achievements as Mayor. Mayor Pro Tem Adams gave an overview of the City's accomplishments over the last five years and stated that the entire Council works together for the benefit of the City.

City Manager Pulone thanked Mayor Cave for her leadership and guidance over the last year. He presented Mayor Cave with a gift from Staff and congratulated Mayor Cave on a successful year.

Mayor Cave thanked the City for the recognition. She thanked Staff and City Manager Pulone for a great year. She stated that she has a great vision for the community. She stated that the first five years of city hood was the building the City and the next few years she envisioned building the community. She stated that this year was a challenging year for her personally. She thanked the Council and Staff for their support. She thanked the Community Leaders and Citizen's Leadership Academy Participants for their dedication and contribution. She stated that she sees a brighter future for the City of Aliso Viejo and the vote of the people has been heard. She encouraged the community to continue to provide feedback to the Council.

COMMUNITY INPUT

Curtis Randall, resident of the Laguna Audobon, stated that the parking on the public streets has become problematic. He stated that the sub association is issuing courtesy notices based on their CC&Rs. He explained his situation of having two adult children drivers in the family. He stated that the sub association is issuing violations.

Mike Davis stated that the behavior of the Board of Laguna Audobon has upset him. He stated last week the sub association hired a patrol car that has been issuing flyers on parked cars. He stated that due to the recent Santa Ana winds, the flyers flew away and littered the neighborhood. He wanted to have them cited for being a

public nuisance. He stated that he reported the Board to the Attorney General for collecting fines. He urged Council to attend the upcoming meeting.

Bill Conley thanked Council and Staff for the Leadership Academy. He echoed the City Manager's compliments regarding Administrative Services Manager Yasui's participation on the project. He wished the Council and audience a happy holiday season and a Happy New Year.

Greg Gantman, President of the Aliso Viejo Chamber of Commerce, thanked the Mayor for her dedication to the business community and stated that it was a seamless transition with the Chamber. He looked forward to working next year with the new Mayor and the City Staff.

CITY MANAGER'S REPORT

City Manager Pulone stated that the City has received several phone calls regarding the parking warnings at Laguna Audobon. He stated that he has explained the situation to the Property Management Association and the HOA. He stated that the Board continues to issue warnings since that conversation. He stated that the sub association members should attend the next HOA Meeting to address this situation.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Mayor Pro Tem Adams

Mayor Pro Tem Adams stated that she also lives in the Laguna Audobon. She stated that she called the Police when the patrol car was checking the inside of the car of their neighbors. She stated that she called the Property Management Association who has yet to reply. She stated that she will be in attendance at the HOA meeting. She stated that the City has little influence on this matter unless the Association wants to purchase the public streets from the City.

Council Member Ficke

None.

Council Member Phillips

None.

Council Member Warkomski

None.

Mayor Cave

Mayor Cave stated that the TCA's revenues were ahead of expenditures. She stated that several Board members were termed out or not re-elected. She stated that the direction might change with the new Board Members.

Mayor Cave stated she spoke to City Engineer Whitman prior to the meeting about the possibility of hosting a Town Hall meeting regarding parking and traffic issues. She stated that she had concerns regarding the impact on the upcoming median project at Pacific Park and Aliso Creek Road. She stated that the community is changing every few years and the City must continually educate the citizens on matters of importance.

Mayor Cave stated that the Council will not have a second meeting in December and, on behalf of the City, she wished everyone a happy holiday season.

CLOSED SESSION

Council Member Warkowski left at 9:03 p.m.

At the hour of 9:03 p.m. the City Council recessed to Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(b)

Number of cases: (1)

At the hour of 9:34 p.m. the City Council reconvened, with all Council Members present with the exception of Council Member Warkowski.

Mayor Cave announced that there were no reportable actions taken in Closed Session.

ADJOURNMENT at 9:34 p.m. to January 3, 2007 at 7:00 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Carmen Cave
Mayor