

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
June 1, 2005**

CALL TO ORDER

The regular meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Warkomski at 7:01 p.m. on Wednesday, June 1, 2005 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 7:00 p.m. on May 27, 2005 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

Assistant to the City Manager / City Clerk Robinson announced that speakers' slips were available by the front door and should be given to the City Clerk.

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

Absent: None.

PLEDGE OF ALLEGIANCE

OCFA Fire Fighter Sebok led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Warkomski presented Certificates of Recognition to the Aliso Niguel High School Dance Team 2004 - 2005 for placing in several categories at the Universal Spirit Association Dance Drill 2004 - 2005. Ann-Marie Desiano explained the numerous awards achieved and major accomplishments that occurred. She added no other team in her fourteen years of training had accomplished so much.

Mayor Warkomski presented Certificates of Recognition to the Aliso Viejo Middle School Team 2005 for participating in the Destination ImagiNation. The team explained their project and stated that they placed eleventh in the competition.

Aliso Viejo Chamber President Frances Hicks showed the DVD of the 2005 Expo and presented the Mayor with a guitar for the silent auction for the 2nd Annual Golf Cup. Mayor Warkomski presented Certificates of Recognition to the Steering Committee for the First Annual "Aliso Viejo Business and Community Expo".

Battalion Chief Lusher introduced the C shift from Stations 22 and 57. He described the accomplishments of Fire Captain Brian Chadburn and thanked him for being a great supervisor. Mayor Warkomski presented a Certificate of Appreciation to Fire Captain Brian Chadburn.

PROCLAMATIONS PRESENTED ELSEWHERE

Assistant to the City Manager / City Clerk Robinson stated Certificates of Recognition were presented to the Aliso Niguel High School Boys' Golf Team 2005 for achieving first place in the Sea View League Championship.

Additionally, she stated that Certificates of Recognition were given to Yueyang Guo and Jason B. Lee for their scholastic achievement and being recognized as two of the 2,500 National Merit Finalists – 2005.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Council Member Phillips and seconded by Mayor Pro Tem Vali-Cave, to approve the Consent Calendar as described below. 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 – May 18, 2005 Adjourned (Workshop) Meeting**

Approved the Minutes as submitted.

3. **Minutes – May 18, 2005 Regular Meeting**

Approved the Minutes as submitted.

4. **Warrants**

1. Ratified warrants for May 12, 2005 in the amount of \$592,615.08; and
2. Ratified warrants for May 19, 2005 in the amount of \$60,077.90.

5. **Treasurer’s Statement – April 2005**

Approved the April 2005 Treasurer’s Statement.

6. **Agreement with MAXIMUS, INC. to Provide Mandated Cost Claiming Services**

Authorized the Mayor to execute an agreement to provide cost claiming services with MAXIMUS, Inc.

7. **FRC Recreation Services for Fiscal Year 2005-06**

Directed the City Manager to draft and execute appropriate contracts for Family Resource Center (FRC) recreation services with the YMCA and/or the Saddleback Valley Unified School District (SVUSD) for FY 2005-06 in an amount not to exceed \$35,000.

8. **Caltrans Master Agreement**

RESOLUTION NO. 2005 - 034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO
AUTHORIZING EXECUTION OF MASTER AGREEMENTS AND PROGRAM
SUPPLEMENTAL AGREEMENTS WITH CALIFORNIA DEPARTMENT OF
TRANSPORTATION

Approved the California Department of Transportation (Caltrans) Master Agreement and Program Supplemental Agreements and authorized the Mayor to execute the agreements.

9. **South Orange County Integrated Regional Water Management Plan**

RESOLUTION NO. 2005 – 035

A RESOLUTION OF THE CITY COUNCIL OF ALISO VIEJO, CALIFORNIA,
TO ADOPT THE SOUTH ORANGE COUNTY INTEGRATED REGIONAL
WATER MANAGEMENT PLAN

Adopted Resolution No. 2005 - 035 to adopt the South Orange County
Integrated Regional Water Management (IRWM) Plan.

10. **Proposed 7-year CIP for Street Projects**

Adopted the proposed 7-year Capital Improvements Program (CIP) for street
project.

PUBLIC HEARING

11. **Antenna Site Development Permit ASDP04-22: A Request of AT&T
Wireless to Locate Three Cellular Antennas Divided Equally in Three
Sectors on a Combination Signal/Light Pole that Serves the Intersection
of Pacific Park Drive and Canyon Vistas.**

Council Member Ficke announced that although he did not have a conflict
with the economic interest parameters, he mentioned that he does work with
the Consultant and therefore recused himself from this item.

Council Member Ficke left the dais at 7:30 p.m.

Planning Director Garcia stated the reason for the continuance.

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

Discussion ensued regarding the reason for the third continuance, the review
of the agreement with the City, the possibility of having the Applicant
withdrawal the application, the need to re-notice the public hearing, the
concerns of the previous speaker on this issue, the review of the other site
locations available, and an explanation from AT&T on the best locations.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by
Council Member Phillips, to continue the item to June 15, 2005. Motion
carried unanimously, 5-0.

Council Member Ficke returned to the dais at 7:33 p.m.

12. **Conditional Use Permit UPAV05-04 for the Establishment of a Private School at the First Baptist Church Located at 24521 Moulton Parkway**

RESOLUTION NO. 2005 – 031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV05-04 FOR THE ESTABLISHMENT OF A PRIVATE SCHOOL AT THE FIRST BAPTIST CHURCH LOCATED AT 24521 MOULTON PARKWAY

Planning Director Garcia stated that the item was continued from May 18, 2005 and added that Applicant provided the additional information requested.

Discussion ensued regarding that the non-public school certification ends in June, the application pending for re-certification, the residential parameters, the site plan showing adjoining sites to the east, west, south and north, the geographic information of the students, the hours of operations, the time limit on the credentials, the maximum number of students, and the missing pages from the agenda pages specifically 12-15 to 12-18.

Dr. Condas answered the questions of the Council and stated the benefits of the school and the success stories of the children from their teachings.

George Webster of the First Baptist Church addressed issues on the facilities and the maintenance of the site. He stated he was available for questions from Council on the facilities.

Further discussion ensued regarding the records retention of the planning file and the materials in the planning files, the notices included in the CUP, the reference of item #6, the State certification submittal, the condition to have a copy of the certification added in the condition, the reason why one Council Member would not be supporting this item, the justification of a medical use not a school use as stated in the letter dated August 18, 2004, the appropriateness of the site for use as a school versus a true medical use, the changes of the use from the Applicant depending on location, the explanation from the Applicant on the temporary use permit obtained and the integrated efforts of the school and medication dispensing, the comfort level being difficult from a zoning perspective in residential areas, the maximum use for the site, the safety issues, and the location being ideal since it was on underutilized area.

A MOTION was made by Council Member Phillips and seconded by Council

Member Adams, to adopt Resolution No. 2005 – 031 approving Conditional Use Permit UPAV05-04 for the establishment of a private school at the First Baptist Church located at 24521 Moulton Parkway with the following additional conditions:

1. That current Operational Standards and Guidelines, and State certification be attached to the Conditional Use Permit at all times or the CUP is invalid;
2. That a six-month review of this Conditional Use Permit be conditioned; and
3. That pages of June 1, 2005 Agenda Item pages 12-10 through 12-19 be included as part of the Conditional Use Permit.

Motion carried as follows:

AYES: Council Member Adams, Ficke, Phillips, Mayor Warkomski.
NOES: Mayor Pro Tem Vali-Cave.
ABSTAIN: None.
ABSENT: None.

Council Member Ficke had questions regarding the contract, the lease of the facilities and the CUP. Planning Director Garcia described the CUP process being tied to the property if all conditions were met. Mayor Pro Tem Vali-Cave stated her reasons for denial and that it was not an issue against the children.

COUNCIL BUSINESS

13. **Interim Urgency Ordinance No. 2005 - 073, Establishing a 45-day Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries**

ORDINANCE NO. 2005 – 073

AN INTERIM URGENCY ORDINANCE OF THE CITY OF ALISO VIEJO, CALIFORNIA, MAKING FINDINGS AND ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES

City Attorney Smith gave a brief background from the staff report.

Discussion ensued regarding the extension of the moratorium, if needed, that the zoning would not be listed as pharmaceutical or medical use, the exemptions of uses, how the proposition was written, other examples of zoning inconsistencies on this issue, the appropriateness of the location, and how the initiative was drafted, the urban blight issues, zoning, and land use.

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

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Ficke, to adopt Interim Urgency Ordinance No. 2005 – 073 establishing a 45-day moratorium on the establishment and operation of medical marijuana dispensaries until the conflict in State and Federal Laws is resolved by the U.S. Supreme Court (expected this summer) and more research on the potential impacts of such facilities can be conducted. Motion carried unanimously, 5-0.

14. Adoption of the Proposed Annual Budget

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

Discussion ensued regarding development fees, that the 10-year forecast be updated and available for this meeting, the City Manager's budgeted amount for meeting and conferences, the 4th of July event, the policy on special events fee waiver, the increased amount for code enforcement, the cost recovery on fee based items, the overhead load, the expectation to see a revised forecast, the triple flip on revenue, the State budgeting and forecasting, the emergency reserve fund, the insurance pool, the Master Trails Amenities Plan, the community garden line item, the edible landscaping at Foothill Ranch, the 73 Corridor Enhancement Project including the gateway, monuments into the City, and bridge components, the Sign Ordinance and monuments into the City, the RFP process that will be forthcoming, the proposed \$6,000 item for researching the garden, the current scope of work on the Master Trails Plan, the possibility of conducting some research doing the Master Trails Plan, an additional Code Enforcement Officer, the additional line item of \$65,000 for a part-time Code Enforcement Officer which would include vehicle costs, and the understanding of the Council on decreased sales tax and increase property tax.

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

A MOTION was made by Council Member Ficke and seconded by Council Member Phillips, to adopt the proposed annual budget for Fiscal Year 2005-06, with amendment of an additional \$65,000 in code enforcement. Motion carried unanimously, 5-0.

COMMUNITY INPUT

There were no speakers.

CITY MANAGER'S REPORT

Planning Director Garcia presented the 2005 Orange County American Planning Association award for the Small Jurisdiction General Plan and thanked everyone, but in particular, John Bridges, Jeff Henderson, Wayne Loftus, Clint Sherrod, and the Council.

City Manager Norman reported on the letter received from the Government Finance Officers Association regarding the awarding on an Excellence in Financial Reporting for the Comprehensive Annual Financial Report (CAFR) ending June 2004.

City Manager Norman reported on the letter received from Daniel Parker, DC commending Gary Hawken, Donise McDonald, and Susan Robinson for their help with a problem over the counter.

City Manager Norman gave an update on the Laurelmont Street reconstruction and the progress of the median improvements on Aliso Creek Road.

City Engineer Whitman gave a report on the Hollyleaf slide stating the geotechnical holes of two feet were drilled and engineers were observing the stability. He added that there was approximately 12 – 15 feet of natural material was over bedrock and the position of the bedrock would be a factor.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Council Member Ficke stated last week he walked to School at Don Juan Avila.

Council Member Ficke announced that American Cancer Relay for Life was scheduled for June 11 through 12, 2005.

Council Member Adams

Council Member Adams congratulated Staff and Council on winning the awards for the General Plan and CAFR.

Council Member Adams stated that OCFA had approved their preliminary 2-year budget for FY 2005-06 and FY 2006-07. She added that revenues were currently

offsetting expenses, but that there would be a drop in five to seven years.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave stated that the TCA's Office of Finance recommended approval of the budget. She stated that toll fees would be increasing, especially for cash toll payers, but the ramp toll fees remained the same because of her opposition.

Mayor Pro Tem Vali-Cave stated that the TCA subcommittee was reviewing alternative financial exploration. It was stated that they may have a deal, but that it was a short-term fix and subject to other meetings.

Mayor Pro Tem Vali-Cave stated that the 2nd AV Golf Cup was on Friday, and last minute golfers would still be accepted.

Mayor Pro Tem Vali-Cave stated that she attended a reception with Council Member Phillips on the Saddleback Memorial event and received a plaque for the City's co-sponsorship.

Council Member Phillips

Nothing to report.

Mayor Warkomski

Mayor Warkomski desired that the BMPs for Water Quality include permeable concrete. He was disappointed that the Ordinance or the DANT agreements did not address it; he wanted to see the Ordinance address impermeable surfaces as well.

Mayor Pro Tem Vali-Cave left the dais at 9:15 p.m.

Mayor Warkomski wanted the 241 South extension of the Toll Road agendized. He stated that he found countless toads on the endangered species list over the weekend in the area. He added that this area has the highest population of this toad. He stated that the 241 Extension would affect this species. He suggested placing the money for the Extension into the 5 Freeway and increase its Level of Service instead.

CLOSED SESSION

None.

ADJOURNMENT at 9:16 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Karl P. Warkowski
Mayor