

ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
January 18, 2006

CALL TO ORDER

The regular meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Vali-Cave at 7:04 p.m. on Wednesday, January 18, 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 5:00 p.m. on January 12, 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 Polices Services Lieutenant Paddock led the Pledge of Allegiance.

ROLL CALL

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

Absent: None.

SPECIAL PRESENTATIONS

Chief of Polices Services Lieutenant Paddock introduced Dr. Robert Hohenstein who described the PRYDE Program through the Orange County Sheriff's Department. He described the various referrals and types of assistance available to juveniles ranging from thirteen to seventeen years of age with 70% of juveniles being between the ages of thirteen and fourteen. He stated that the gender breakdown is approximately 60% males and 40% females. He explained the types of information and counselors available in the Program. Out of twelve juvenile programs in the Orange County Sheriff's Department, this program was the lowest cost per person. Lastly, he reported that approximately ninety to one hundred intakes annually are from the Aliso Viejo area.

PROCLAMATIONS PRESENTED ELSEWHERE

None.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Council Member Phillips and seconded by Council Member Ficke, 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 – January 4, 2006 Meeting**

Approved the Minutes as submitted.

3. **Warrants**

Ratified warrants issued January 5, 2006 in the amount of \$627,720.74.

PUBLIC HEARING

4. **Appeal of Administrative Approval of Planned Sign Program Application SPP05-01 for installation of five (5) identification signs for Canyon Villas Condominiums, located at 23412 Pacific Park Drive and a Variance to the Sign Ordinance**

Mayor Vali-Cave reported that the Applicant withdrew the appeal and variance. She asked the City Attorney for the appropriate motion. City Attorney Smith stated that the appropriate action would be to receive and file the appeal and that the prior approval of the DRC stills stands. There was a question on the extension given for the temporary signage.

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

THERE WAS CONSENSUS FROM COUNCIL to receive and file the appeal and that the temporary signage expired with the withdrawal of the appeal.

5. **Public Hearing to consider appeal of the Administrative Approval of Site Development Permits SDP05-15 and SDP05-16 requesting approval to install 256 square foot prefabricated restroom facilities in Argonaut Park and Springdale Park**

Mayor Vali-Cave stated the process for hearing the appeal. Planning Director Garcia gave a brief background from the staff report.

Appellant Carmen Vali-Cave stated that she appealed the decision and provided her concerns. She listed her concerns: incomplete inadequate maps (no North arrow, no dimensions on the property lines, and no existing structures); difficult to tell if anyone's view corridor would be affected; the administrative review process and notification to Council; no confirmation on notification to the surrounding neighbors; no Master Plan was submitted for all future parks amenities; the lack of approvals on easements from other individuals or agencies prior to city approval, the fact that trenching for sewer lines may be through city streets and started without approval; and that some processes preceded the appropriate permits. She described the various types of parks and stated that certain amenities could change the type of parks.

Applicant Jim Gesner, General Manager of the Aliso Viejo Community Association (AVCA), addressed the City Council. He stated that AVCA is currently working on a Master Park Plan update with RJM Design Group and referred to the previous Master Plans created. He addressed the easement issues, for which agreements were prepared or being negotiated. He stated that he felt the easement related to the Edison Company was not required, but was done at the request of the City. He stated that two of the four divisions of the Edison Company have already withdrawn their objections and they were working with the other two divisions currently. He added that the trenching was only up to the property line. He stated that the map showed the manhole at a different location and when discovered, immediately starting working with the St. Tropez HOA. He stated that the trenches were covered prior to City inspection for safety purposes. He added that AVCA inherited parks that were not full service parks from the previous ownership. He assured Council that the Board is committed to an open dialog in the future adjacent homeowners association. Lastly, he submitted three letters for the record.

Discussion ensued regarding the process done prior to the pulling permits, notification responsibilities, improvements processed by administrative approvals, and the need to leave a detailed record of decisions made.

Mayor Vali-Cave opened the item for public testimony.

Melba Capuano stated she first learned of the project when she saw flags placed on-site at Springdale Park in October, and that she immediately expressed her concerns to her HOA and AVCA. She stated that the view from her property was now the restrooms instead of the Saddleback Mountains. She stated that the community needed more communication and recommended that AVCA Board Members visit the site prior to approving projects.

Brian Lamertson stated that his property was adjacent to the Springdale Park. He stated that the park was originally designed as a tot lot and a restroom would change the character of the park. He stated that he met with Mr. Gesner who indicated that the location was determined by the City's Public Works and Sheriff's Departments. He stated that he had yet to see any paperwork and he did not receive notification of the project.

Brett Goellner was upset about the restrooms at Pinewood Park. He received no notification and stated that the street was already congested, especially on the weekends. He urged Council to consider the effects of a restroom after it is built. He stated the dynamics of the park would change and the need for Sheriff Services would increase.

Eunice Hadley stated that her residence looks directly at the restrooms being built at Argonaut Park and she was not happy about having the restrooms at the park.

There being no more speakers, Mayor Vali-Cave closed the item for public testimony.

Discussion ensued regarding future ordinances, whether the Applicant followed the procedures, the timeline submitted to the Applicant which included the appeal period, the installation of the restrooms, the trenching permit and building approvals, Staff visits to the locations, the appropriateness of the location for the restrooms, soliciting comments from the public at the DRC, the concerns of Staff in issuing the permit, the Edison easement location being the best location for trail connectivity, the restrooms being centrally located, the Staff's issue of minimum impact to the area, the Sheriff's concern regarding public safety issues, the restrooms being locked at 10:00 p.m. daily, the need for a Master Park Plan, the need to identify criteria for administrative reviews, the need for public input to make a better project, the issues of storage and delivery of restrooms, the need for detailed information to be submitted, the concern of bacteria breeding on the concrete floors, the design of the restrooms, the consistency of the permitting process, the need to extend the public hearing process, the character of the parks, the need to create a clear checklist of criteria, the structure of the City Council as

the Planning Commission on approvals, and the vision of the community.

A MOTION was made by Council Member Phillips and seconded by Council Member Ficke, to refer the appeal down to the Development Review Committee for appropriate review with the proper noticing process.

THE AMENDED MOTION by Council Member Ficke and agreed by Council Member Phillips, to refer the appeal down to the Development Review Committee for appropriate review with the proper noticing process and approval of the temporary storage of restrooms at the direction of Staff. Motion carried unanimously, 5-0.

Further direction was given to Staff that this item be considered a priority with proper noticing given.

THERE WAS CONSENSUS FROM COUNCIL to have Staff create a clear checklist for reviews as time permits and utilize eNews for all future public notices even though it was not required by law.

Discussion ensued regarding the Council desires to review AVCA's Master Park Plan with information given on appropriate timelines for each amenity.

COUNCIL BUSINESS

6. Consultant Selection Pacific Park Bridge Analysis PBS&J

City Engineer Whitman gave a brief background from the staff report. He stated that the Scope of Work changed slightly from the original RFP. He reported that seismic analysis was included due to the evaluation during the City's Emergency Plan review.

Discussion ensued regarding the revenue neutrality payments to the County, the analysis of the Study, the question whether the County would have to pay if deficiencies were found, the rights and liability of the City to recover costs, the fact that the City might have to spend money for something it inherited, and the question if the County was in breach of the contract. Staff indicated that if there was a problem in the bridge, then the item would be brought back to City Council.

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

A MOTION was made by Council Member Phillips and seconded by Council Member Ficke, to approve Staff's recommendation to select PBS&J to perform the engineering investigation and analysis on the Pacific Park Bridge; and to direct City Manager to negotiate and execute a contract between the City and PBS&J in the amount of \$90,942 plus a contingency of 10%; and authorize the appropriation of \$25,000 from Gas Tax Funds. Motion carried unanimously, 5-0.

7. Landscaping of the Traffic Islands (Pork Chops) at the SR 73 – Aliso Creek Interchange

City Engineer Whitman gave a brief background from the staff report. He described the process with Caltrans and the three options presented. He stated that staff recommendation is Option 3 with the flexibility of removing the monument signs if they are not approved by Caltrans.

Discussion ensued regarding the timing with Caltrans, the desire to have the whole corridor be design concurrently, the guarantee that maintenance will be done by Caltrans, and the City to enter into the agreement to do the maintenance.

A MOTION was made by Council Member Ficke and seconded by Council Member Phillips, to approve Option 3 for the type of landscaping and with flexibility of deleting the monument signs within the two traffic islands; and to approve a mid-year budget adjustment of up to \$140,000 including maintenance of the improvements through June 30, 2006. Motion carried unanimously, 5-0.

Council recessed at 8:59 p.m.

Council reconvened at 9:08 p.m. with all Council Members present.

8. Advertise for Bids – 2005-06 Slurry Seal

City Engineer Whitman gave a brief background from the staff report.

Discussion ensued regarding if the slurry seal program was working, the pavement ratings of the street, the request to spot check any problems on the street before sealing the streets, the assurance of the City Engineer that he would review each street in this year's program.

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

A MOTION was made by Council Member Phillips and seconded by Mayor Pro Tem Adams, to approve contract documents, specifications, and plans for 2005-06 Slurry Seal Project; and to approve to advertise, evaluate bids, and recommend contractor for 2005-06 Slurry Seal Project. Motion carried unanimously, 5-0.

9. Appointment to DRC Interview Panel

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

Discussion ensued regarding when the terms expire, if the current members desired to be reappointed, that Council Member Warkowski and Mayor Vali-Cave volunteered to sit on the panel, and the process to advertise for vacancies.

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

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Phillips, to appoint Mayor Vali-Cave and Council Member Warkowski to sit on a panel to review applications for two appointments to the Development Review Committee (DRC). The motion carried as follows:
AYES: Council Member Phillips, Council Member Warkowski, Mayor Pro Tem Adams, and Mayor Vali-Cave.
NOES: Council Member Ficke.
ABSTAIN: None.
ABSENT: None.

10. Request of Council Member Warkowski: Consideration of Resolution to protect California State Park Lands Opposing the proposed extension of the Foothill-South Toll Road (241) through a portion of San Onofre State Beach

Council Member Warkowski gave a brief background of the proposed extension of the Foothill-South Toll Road (241) through a portion of San Onofre State Beach. He stated that the land was designated as Open Space by Former Governor Regan and Former President Nixon. He stated that this is one of the top parks nationwide and one of the few affordable campgrounds in Orange County. He desired that the Transportation Corridor Agency (TCA) review the other alternatives as well as looking at the whole picture of transportation in South Orange County. He would like to have Council take opposition to any alignment through the State Park. He stated that studies concluded the best alternative for traffic mobility is the expansion of the 5 freeway.

Discussion ensued regarding other alternatives that did not go through the State Park.

Comments were then opened to the public.

Richard Rozelle from California State Parks emphasized the points stated by Council Member Warkomski. He stated the uniqueness of San Onofre State Park. He conducted an informal survey and discovered how many Aliso Viejo residents visited the campsite. He stated that the proposed alignment would intersect through the campground area. He mentioned that the water through the San Mateo Creek was pristine and that Trestles Beach was known as a world class surfing beach.

Jack Eidt stated that his organization was working on a smart growth plan. He stated that this alternative did not address the impacts of the Rancho Mission Viejo Project and the regional need for traffic mobility. He suggested a dedicated access road that would extend the road heading south to the Rancho Mission Viejo Project and connect it with Avery Parkway. He stated the best solution was to widen the 5 freeway.

Jerry Collamer stated that the "Beltway" is a new name to an old idea, which would connect the 73 Toll Road to the 241 Toll Road creating a link east and west. He stated that it was presented at one of the public hearings. He stated that the problem could be easily fixed by expanding the 5 freeway.

Rick Birkeland, representing the Natural Resources Defense Council, said that this was the worst project in the State of California. The Developer wants to build the toll road through the State Park which has world famous surfing, eleven endangered species, and affordable camping. He said that he was available for any legal questions regarding Section F or 4F. He stated that the Developer received a military federal exemption. He urged Council to take a stand and not to set precedence.

Rick Wilson, a resident and member of the Laguna Surfrider Foundation, described the impacts on the watersheds and creeks. He stated that the pavement would change the quality of the watershed and promote runoff.

Sam Eidt lives next to the toll road and does not mind at all since the toll road is not used. He stated that the toll road is not a wilderness experience. He would rather sit in traffic in order to protect Trestles Beach.

Barbara DeShann recently learned what San Onofre was doing for the environment. She did not know the position of San Onofre Nuclear Generating Station, but an accident on proposed toll road would be a big safety issue. She did not like the traffic going so close to a power plant.

Jim Martin was concerned about the financial aspect of the toll road. He stated that the TCA's track record was dismal and did not like the non-competitive clauses. He referred to the 91 Toll Road, which did not solve the problem. He thought that redirecting the traffic would only make it worse and stated that the ridership might be low.

David Bendall mentioned that San Onofre was the first place that he went camping with his kids. He stated that this is his number one issue and saving eleven endangered species is critical. He referred to a similar situation in Spain to eliminate a dedicated Open Space. He stated this proposed alignment would be bad for the environment and would ruin recreational facilities. He stated that the State paid millions of dollars for this State Park and it should not be turned over to become a toll road.

Brian Alper concurred with previous speakers, but spoke to the Council on an emotional level. He stated that he surfs at Trestles Beach. He stated that the watershed was currently pristine and the proposed alignment would affect San Mateo Creek. He referred to documented illnesses and that this was the last chance to save a piece of what California used to be. He urged Council to consider this issue carefully.

Christine Eidt stated that she is seven years old and that she likes parks. She urged Council to not destroy the parks.

Josh Collins said that the forethought was to protect land for future generations. He said to accommodate more and more people is "progress," but there is smart progress, but not a toll road through a State Park. He stated that there is a need for designated Open Space areas.

Ed Schlegel, representing the South Orange County Chapter Surfrider Foundation, said this project will destroy a multitude of resources. He stated that there must be a solution to solve the traffic problems without destroying a State Park.

Casey Strombothe read the speech given by Former Governor Ronald Regan when this State Park was dedicated as Open Space in perpetuity.

Brittany McKee from the Sierra Club concurred with the other speakers and desired that the State Parks be preserved.

There being no other speakers, Mayor Vali-Cave closed the public comment portion of this item.

Discussion ensued regarding being a TCA Board representative, the position taken by the City of San Clemente, the need for the open space, the Developer's needs versus Open Space, the resolution wording having some

clauses that include alternatives other than City just saying “no,” the need for more information, the other alignments proposed, the Open Space being dedicated in perpetuity, the fiduciary responsibility, the TCA Public Hearing being held tomorrow, the request that TCA give a presentation to Council, and the beltway concept being adopted by Supervisor Bill Campbell.

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Ficke, to have a letter to TCA stating the City’s opposition to an alignment through a dedicated State Park. The motion carried as follows:

AYES: Council Member Ficke, Council Member Phillips, Council Member Warkomski, and Mayor Pro Tem Adams.

NOES: Mayor Vali-Cave

ABSTAIN: None.

ABSENT: None.

COMMUNITY INPUT

There were no speakers.

CITY MANAGER’S REPORT

Nothing to report.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Council Member Ficke requested consensus for Staff to spend time on researching cable broadcasting option for City Council meetings.

Council Member Phillips

Council Member Phillips stated that he could support the idea of having some Staff time to review the request.

Council Member Warkomski

Council Member Warkomski stated that he could support the request of using some Staff time to review this item.

Mayor Pro Tem Adams

Mayor Pro Tem Adams stated she attended the League' Employee Relations Committee Meeting. She stated that legislation is currently be drafted on pension reform with defined benefit tiers, which may eventually become a ballot initiative.

Mayor Pro Tem Adams stated she attended the OCFA Budget and Finance Committee Meeting on the 11th. They are recommending an additional Division Chief due to the extensive building in Irvine and service to the surrounding areas.

Mayor Vali-Cave

Mayor Vali-Cave suggested that Council have the cable request as a Council discussion item before adding more to the Staff's workload. She recommended placing the item on the agenda for the second meeting in February and requested a motion to bring it back and provide Staff concrete direction prior to having research conducted.

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Phillips, to have a discussion item on cable broadcasting on a future agenda. Motion carried unanimously, 5-0.

Council Member Ficke questioned if the item would be heard on February 1st. Mayor Vali-Cave replied affirmatively.

Mayor Vali-Cave displayed the new Measure M Extension booklet, which is available online. She stated that OCTA is in the review phase of the project and discussed how much money is needed for transportation projects. She stated that a presentation from OCTA would be timely.

THERE WAS CONSENSUS FROM COUNCIL to have a presentation from OCTA during the public participation process before March 31.

Mayor Vali-Cave gave a brief update on various items. TCA did not meet this month. City calendars are available in limited supply. The AV Golf Cup was rescheduled to May 19 due to construction at the Golf Course. The speaker from the Second Harvest Food Bank wanted to discuss the upcoming food drive, but could not stay. Mayor Vali-Cave recommended a presentation from the Second Harvest Food Bank for the next meeting. Lastly, Mayor Vali-Cave stated that AVCA broke the sidewalk at Springdale Park and had no plans on fixing it since they were going to have a parking lot installed. She wants a Master Park Plan submitted and someone to fix the broken sidewalk.

CLOSED SESSION

At the hour of 10:43 p.m. the City Council recessed to Closed Session regarding:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: City Hall
Agency Negotiators: City Manager
Negotiating Parties: Pacific Park Executive Plaza
Under Negotiation: Price and Terms

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Attorney

At the hour of 11:31 p.m. the City Council reconvened, with all Council Members present.

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

ADJOURNMENT at 11:32 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Carmen Vali-Cave
Mayor