

**ALISO VIEJO MINUTES  
CITY COUNCIL REGULAR MEETING  
March 1, 2006**

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**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 7:02 p.m. on Wednesday, March 1, 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 February 23, 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**

Ladi Khoddam, Aliso Niguel High School Commissioner of Clubs and Organization, led the Pledge of Allegiance.

Mayor Vali-Cave made an announcement that the AVCA restrooms were not on the agenda and were never on the agenda for this meeting. She stated that there was a sign-up sheet on the back table for those who desired to receive notices when the item would be heard by the Development Review Committee (DRC) and Council.

**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. Warkowski

Absent: None.

**SPECIAL PRESENTATIONS**

Mayor Vali-Cave introduced Community Services & Special Projects Manager Wilson who gave an overview of the Family Resources Center and Community Services Supervisor Solano's accomplishments. She stated today was Rubi Solano's last day employed with the City. Mayor Vali-Cave presented Community Services Supervisor Solano with an engraved tile plaque, a City Medallion, and a

Certificate of Appreciation for her service to the City. Ms. Solano thanked the Council for the opportunity and the support to the Family Resource Center.

Mayor Vali-Cave introduced Chief of Police Services Lt. Paddock who described the accomplishments of OCSD Investigator Michael Thompson. Mayor Vali-Cave presented a Certificate of Appreciation to OCSD Investigator Thompson for his service to the City. Investigator Thompson thanked Council for the recognition.

Mayor Vali-Cave explained the community involvement from the Geneva Presbyterian Church of Laguna Hills and their support to the City. She informed the audience that the first location for the City's child seat safety and inspection program was their parking lot. Community Services & Special Projects Manager Wilson described the work performed and the efforts of this collaborative partner. Mayor Vali-Cave presented a Certificate of Recognition to Jim Burge of the Geneva Presbyterian Church of Laguna Hills for volunteering their recent services to the Family Resource Center. Jim Burge thanked the Council for the recognition and stated their next event would be at Barnes and Noble in the Town Center with Clifford the Big Red Dog making an appearance.

Susan Ritschel, OCTA Board Member, gave a PowerPoint presentation on the on the Measure M Renewal, a proposed one-cent local transportation sales tax. She introduced Monte Ward and Dave Simpson who would be available for technical questions. She reviewed the results of Measure M and the draft plan for the renewal of Measure M. She stated that the public comment period ends April 24, 2006. She stated that the draft final plan would be considered in May and June of 2006.

Discussion ensued regarding the environmental clean-up on the toll roads; the environmental concerns on the transportation projects approved; whether clean air projects were currently eligible under the Plan; that water quality projects were eligible, but not clean air projects; the expansion of the 5 freeway; that most of the projects are located in North Orange County; that the \$927 million price tag for the expansion of the 5 freeway included interchange improvements south of the 55 freeway; if the Plan included buying out the TCA bonds to have the toll roads become freeways; the incentive for smart land use planning and the desire to include it in the Plan; whether future technology in rapid transit would be included in the 30-year Plan; the review by OCTA of projects every decade; future amendments to the Plan needing a 50% vote of the people; the request to evaluate "soft projects" of mobility being the same as capital improvements; that capital improvement projects and their operational costs are part of the Plan; the desire to include incentives for cities who create smart land use and walkable cities; the funding available for pedestrian and bicycle projects; the time frame on the \$2.5 million given to the City; the possibility of a shuttle or a bus system funded by OCTA; the \$100,000 grant available for mobility to the Metrolink; funding for senior programs for vehicles; the funding formula being used comprising of population, miles of road, and sales tax generated; the equality of the funding allocation and the influence of

the Board Member representative; and the process of the Measure M Super Committee.

Community Services & Special Projects Manager Wilson showed a 30-second DVD on the upcoming Aliso Viejo Business & Community Expo occurring on April 29, 2006. Mayor Pro Tem Adams stated that the Americans with Diabetes Association Walk would be combined with the Business & Community Expo this year.

Community Services & Special Projects Manager Wilson introduced Bob Bunyan, President of the Aliso Viejo Community Foundation. Bob Bunyan gave a report card on the City's successes over the last five years. He presented a cake to Council in celebration on the five year anniversary of the vote for cityhood.

Council recessed at 8:20 p.m.

Council reconvened at 8:35 p.m. with all Council Members present.

#### **PROCLAMATIONS PRESENTED ELSEWHERE**

Mayor Vali-Cave stated that Mayor Pro Tem Adams attended the Opening Day of Little League and presented a proclamation declaring February 25, 2006 as Aliso Viejo Little League Opening Day.

Mayor Vali-Cave stated that a Proclamation declaring February 2006 as "American Heart Month" was given to the American Heart Association.

#### **ADDITIONS, DELETIONS, REORDERING TO THE AGENDA**

City Attorney Smith stated that there would be no need for the Closed Session.

Council Member Ficke requested that Community Input be moved before the Consent Calendar. Mayor Pro Tem Adams desired to keep the agenda the same because the agenda was so short. Council Member Phillips concurred.

#### **CONSENT CALENDAR**

**A MOTION** was made by Council Member Phillips and seconded by Mayor Pro Tem Adams, 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 – February 1, 2006 Meeting**

Approve the Minutes as submitted.

**3. Warrants**

1. Ratified warrants issued January 26, 2006 in the amount of \$66,360.27
2. Ratified warrants issued February 2, 2006 in the amount of \$39,999.28
3. Ratified warrants issued February 9, 2006 in the amount of \$262,585.42 and
4. Ratified warrants issued February 16, 2006 in the amount of \$452,186.08.

**4. Treasurer’s Report – January 2006**

Approved the January 2006 Treasurer’s Statement.

**5. “Aliso Viejo Business & Community Expo” – City’s Participation in the Annual Aliso Viejo Chamber of Commerce Event and the American Diabetes Walk**

Approved the City’s participation in the Aliso Viejo Chamber’s Annual “Aliso Viejo Business & Community Expo”, to be held in conjunction with the American Diabetes Walk and directed staff to assist with this annual event at Town Center and Grand Park.

**PUBLIC HEARING**

None.

**COUNCIL BUSINESS**

**6. Celebration of City’s 5th Anniversary**

Community Services & Special Projects Manager Wilson gave a brief background from the staff report. She listed the proposed events planned for the celebration. She addressed the electronic memory book, which would be available throughout the year to commemorate the City’s five year anniversary.

Discussion ensued regarding the use of the AV Ranch barn facilities at the event, and the memory book being available at all City events.

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 the plans for a proposed annual City signature event to be called “Aliso Viejo Founders Day”, to coincide with the City’s 5<sup>th</sup> Anniversary. Motion carried unanimously, 5-0.

**7. Award Contract for 2005-06 Slurry Seal**

City Engineer Whitman gave a brief background from the staff report. He reported on the bid results and stated that the vendor’s references were checked. He said that All American Asphalt corrected some mistakes that occurred in the City of Rancho Santa Margarita. He recommended award of contract.

Discussion ensued regarding the contractors used for the past slurry seal projects, and the previous issues of noise and traffic control.

Andy Abrecht asked if Wood Canyon Drive was scheduled to be slurry sealed that he would request a bicycle lane be added south of Soka University.

**A MOTION** was made by Mayor Pro Tem Adams and seconded by Council Member Ficke, to award a contract in an amount of \$550,723.75 to All American Asphalt as the lowest responsible bidder for the 2005-06 Slurry Seal project and reject all other bids; to authorize the Mayor to execute a construction services contract with All American Asphalt allowing for a 10% contingency; and to authorize the appropriation of \$57,000 from the Unreserved Gas Tax Fund Balance. Motion carried unanimously, 5-0.

**8. Appointment to Ad Hoc Working Group**

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

Discussion ensued regarding when the Ad Hoc meets; Council Member Ficke volunteered to serve; the request to have the Mayor and Mayor Pro Tem be appointed and the request that AVCA appoint their President and Vice-President; the importance of having the position of the Mayor and Mayor Pro tem serving on this Ad Hoc regardless of person in the position; the possibility of bring forward a resolution if permanent appointments were made; and that appointments could be reviewed annually during the appointment process.

**A MOTION** was made by Mayor Pro Tem Adams and seconded by Council Member Phillips, to appoint the Mayor and Mayor Pro Tem to the Ad Hoc

Working Group for AVCA/City Meetings. Motion carried as follows:  
AYES: Council Members Phillips, Warkomski, Mayor Pro Tem Adams,  
Mayor Vali-Cave.  
NAYS: Council Member Ficke.  
ABSTAIN: None.  
ABSENT: None.

## **COMMUNITY INPUT**

John Steward wanted to have the AVCA 4<sup>th</sup> of July celebration on the 4<sup>th</sup> of July. He wanted a dialog from each Council Member on their date preference for the celebration.

City Attorney Smith stated that this was part of the five year anniversary item and Council could respond individually with the understanding that the event is an AVCA event. Mayor Pro Tem Adams desired the program to be on the 4<sup>th</sup> of July. Council Member Warkomski wanted to have two events at Town Center, but with limited fireworks. Council Member Phillips stated he always celebrated the 4<sup>th</sup> of July on the 4<sup>th</sup> of July and prefers that date. Mayor Vali-Cave wanted the event on the 4<sup>th</sup> of July. She was concerned about notifying the public when changing a tradition. Council Member Ficke concurred with Council Member Warkomski on having two events, one for the fifth year anniversary of the City on July 1<sup>st</sup> and the 4<sup>th</sup> of July event on the 4<sup>th</sup> of July.

Jerry Levy stated that he attended the DRC hearing on the restroom in Springdale Park. Mr. Levy contacted AVCA after the last DRC Meeting to discuss the issue. He said that AVCA stated it was a good idea to meet, but he has not heard back. Since that time, he added that AVCA hired a public relations firm to handle the restroom issue. He was opposed to having a restroom at Springdale Park, a pocket park. If there must be a restroom, he was ready to compromise. He made the following suggestions for improvement: centrally located to the sport and playground area; closer to the street for patrolling purposes; and located away from the residents. He distributed photos of the restrooms and a petition to Council.

Mark Espinosa, representing the Aliso Viejo AYSO 889, stated that restrooms were helpful to his organization. He has witnessed inappropriate behavior due to a lack of restrooms. He also witnessed vandalism to the portable restrooms, specifically at Argonaut Park, which is located at the top of the hill. He discussed other benefits of having restrooms: handicap use, cleanliness of the park, and potential revenue to the City. He stated that restrooms were required to host a league tournament.

Jim Martin referred to the letter he received from AVCA. He stated that the letter omitted facts and blamed the Council. He stated that the letter did not reflect positively in AVCA and the City working together. He desired that AVCA and Council work together and provide a better community.

Mike Lewis, representing the Little League community, concurred with the last speaker. He would like to see the two entities work together to get this completed. He felt that there were not common goals and objectives due to self-interests. He wanted everyone to work together.

Raymond De Leon stated he had three concerns. He was confused about the July 1<sup>st</sup>/July 4<sup>th</sup> patriotic celebration. He stated that he had heard that the City had requested the change of date to July 1<sup>st</sup>. Secondly, he referred to the announcement of the City/AVCA meeting regarding the bathrooms which was posted on AVCA's website. He stated that he was referred to the Council Meeting of January 18<sup>th</sup>. He questioned about the meeting on January 25<sup>th</sup> and asked if the Brown Act was violated. Lastly, he wanted clarification on the public noticing process. He distributed his questions to Council along with a copy of the transcript downloaded from AVCA's website.

Xiomara Hiller thanked City Engineer Whitman for working with Sharon Murray on the traffic calming near Westridge Park. She stated that the process was an exchange of ideas to find a solution. She then addressed the restrooms and stated no one said that they did not want restrooms, but it was how the process was done. She would have desired community involvement on the location of the restrooms as opposed to the process occurring without notice.

Eileen Okamoto resides near the restroom at Argonaut Park. She first heard of this project when the pipes were being laid. She was not against a restroom, but the location of the restroom. She will hear everything in and around the restroom due to its proximity to her residence.

Andy Abrecht lives above Canyon View Park. He heard that AVCA was planning on paving an 80 space parking lot, basketball and baseball courts, and installing lighting at Canyon View Park. He concurred with the other speakers. He thought that there were hidden agendas and was not proud of what AVCA has become. He was in favor of restrooms because of cleanliness issues, if there would be proper security.

Elizabeth Adams presented a petition to Council from the immediate residents of Canyon View Park. She spoke of the illicit activities already occurring at the Park without a restroom. She stated that the Sheriff's Department was already stretched and patrol checks were not guaranteed.

Jose Caperian stated that his eleven year old daughter loves to visit the parks. He wanted restrooms that were effective and had running water, not portable restrooms. He questioned if there would be fireworks on July 1<sup>st</sup> and July 4<sup>th</sup>. He only wanted fireworks on the 4<sup>th</sup> of July.

Sharon Murray stated that the reason the restrooms were not on this agenda was that the item was being heard by the DRC. She stated that AVCA has given notice of their meeting through their website and the responsibility lies on the AVCA

delegate to disseminate information. She added the restrooms have auto locks and seven day cleaning. She stated that the restrooms are located in the sports parks. She stated that the improvements at Canyon View Park were deleted from the Master Trails Plan at the DRC. She did not understand the appeal process on these restrooms, and stated many desired to have the restrooms. She wanted the relationship between the two entities to improve.

Todd Gillespie, President of AVCA, invited the Mayor to meet to work out the restroom issue. He stated that most of the information presented was inaccurate. He was trying to fulfill the need that was in the Master Plan. He stated that Lt. Paddock reviewed the request and made suggestions on the locations. He stated that portable restrooms are disgusting and would not allow his children to use them. He stated that he was representing the silent majority, including the moms who want restrooms, that could not be present at this meeting.

## **CITY MANAGER'S REPORT**

City Manager Pulone reported on the permit processing of the restroom permits. Council reviewed the appealed restrooms on January 18<sup>th</sup> and referred the item to the DRC. The DRC heard the item on February 14<sup>th</sup> and continued the item requesting additional information. The DRC will review the item upon receiving the additional information. He mentioned that there was a sign up sheet in the back of the room for future notices on this item.

City Manager Pulone responded to the questions about AVCA's website posting of minutes. He spoke with General Manager Jim Gesner regarding these minutes. It appeared to be a transcript of the January 18<sup>th</sup> Council Meeting, but was labeled January 25<sup>th</sup>, which was the date of the City/AVCA Ad Hoc meeting.

City Manager Pulone reported that Financial Services Manager/City Treasurer Tharani received notice that she and the City will receive a Certificate of Achievement from the GFOA on financial reporting. He stated that the Certificate would be presented at a Council Meeting when received.

## **ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES**

### **Council Member Ficke**

Council Member Ficke supported Staff to look into the grant of \$100,000 from OCTA. He desired a shuttle project. City Attorney Smith stated that the grant was already being contemplated on Staff's work plan and was not on tonight's agenda.

### **Council Member Warkomski**

None.

### **Council Member Phillips**

None.

### **Mayor Pro Tem Adams**

Mayor Pro Tem Adams stated that she attended the Little League Opening Day and presented a proclamation from the City. She mentioned that the League has grown and a new League, Aliso Canyons, was formed. She spoke of Picture Day and the Kiwanis' Pancake Breakfast.

Mayor Pro Tem Adams briefly addressed the restroom project by stating that Woodfield Park has great facilities including a snack bar. She suggested that AVCA might want to consider a restroom in the outer field where the children play T-ball.

### **Mayor Vali-Cave**

Mayor Vali-Cave clarified why she appealed the decision on the Administrative Approval. She stated that the plans were incomplete.

Mayor Vali-Cave wanted dimensions and directions on the map. She stated that the plans did not clearly depict the location of the sewer line. She wanted to leave a legacy with complete plans and a history for future Staff. She stated that height issues were usually addressed for impact on the surrounding neighborhood. She stated that the public notification is still unclear. She felt that was an important portion of the application packet.

Mayor Vali-Cave stated that another issue of concern was the issue of policy. She stated that the structure in Argonaut Park was in the Edison easement. She stated that she remembered from her AVCA experience that Edison did not allow structures in their easements. She mentioned that homeowners need AVCA approval and adjacent homeowner's authorizations prior to submitting to the City. She stated that private covenant and easements are outside of the City's jurisdiction. She stated that the private covenants might disagree even though the City approves. She brought this to the attention of the City to try to resolve these issues.

Mayor Vali-Cave stated that she appealed the Administrative Approval in the appropriate manner, as anyone could. She stated that the building permit should not have been issued prior to the completion of the appeal period.

Mayor Vali-Cave saw pictures of a sidewalk that was destroyed and was told it

would not be repaired until the construction of a parking lot. She stated when a permit is properly processed, the City can collect bonds that can help fix problems without a cost to the City.

Mayor Vali-Cave wanted AVCA to submit a Master Plan to notify the public of what was being planned. She stated that she was never against restrooms and takes offense of anyone stating so. She stated those were her concerns that she addressed at the City Council meeting on January 18, 2006.

Lastly, Mayor Vali-Cave would meet with President Gillespie, but would request Staff to be present.

**CLOSED SESSION**

City Attorney Smith stated previously that Closed Session was not required.

**ADJOURNMENT** at 9:50 p.m. to March 8, 2006 at 5:30 p.m.

Submitted By:

Approved By:

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Susan Robinson, CMC  
City Clerk

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Carmen Vali-Cave  
Mayor