

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
March 15, 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 7:02 p.m. on Wednesday, March 15, 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 March 9, 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

Boy Scout Troop 700 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

Fire Chief Matt Valada introduced OCFA Division 2 Administration Captain Aubrey who is now representing the City. Mayor Vali-Cave thanked Administration Captain Aubrey for the work that OCFA does on a regular basis and their participation at today's Walk to School Day.

Chief of Police Services Lt. Paddock helped present the Certificate of Appreciation to OCSD Deputy Tom Mangus. Mayor Vali-Cave thanked his family for the support they give him, and thanked him for his service to the City since the City's incorporation. She presented him a Certificate of Appreciation. OCSD Deputy Tom Mangus thanked his wife, Lt. Paddock, and Council for the recognition.

Chief of Police Services Lt. Paddock described the efforts involved in obtaining an Eagle Scout designation. Mayor Vali-Cave presented the Certificate of Recognition to Eagle Scout Derek Currier. Derek Currier described his project and the significance of the Star he designed for the trail at the Laguna Niguel Regional Park.

Chief of Police Services Lt. Paddock introduced Laura Muesse, Program Manager of Community Alliance Network (CAN). Ms. Muesse talked about the awareness program regarding underage drinking currently commencing. She stated that a community task force will be formed to further identify needs. She gave information on an upcoming Town Meeting on March 29th at the Aliso Niguel High School and invited the Council to attend.

PROCLAMATIONS PRESENTED ELSEWHERE

Mayor Vali-Cave stated a proclamation declaring the week of March 12 through March 18, 2006 as "Girl Scout Week" was mailed to the Orange County Council of Girl Scouts.

Mayor Vali-Cave stated a proclamation declaring April 21 through April 23, 2006 as "National & Global Youth Service Day" was mailed to the YMCA.

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 – March 1, 2006 Meeting**

Approved the Minutes as submitted.

3. **Warrants**

1. Ratified warrants issued February 23, 2006 in the amount of \$94,646.39; and
2. Ratified warrants issued March 2, 2006 in the amount of \$165,234.13.

4. **NPDES Permit No. CAS0108740**

Authorized the City Attorney to submit a letter to the State Board to request dismissal of the City's Petition to Stay the Effects of Order No. R9-2002-0001.

5. **Appointment to Development Review Committee (DRC)**

1. Appointed Joe Koszarek as a Committee Member to a four-year term expiring April 3, 2010;
2. Appointed Donald Garcia as the Alternate Committee Member to a four-year term expiring April 3, 2010; and
3. Appointed William Conley in the event of a vacancy on the community appointments prior to April 3, 2008.

6. **Biennial Review and Adoption of the City's Conflict of Interest Code**

RESOLUTION NO. 2006 - 007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING THE CITY'S CONFLICT OF INTEREST CODE AND RESCINDING RESOLUTION NO. 2004 – 057 AND 2005 – 040

Adopted Resolution No. 2006 - 007 adopting the City's Conflict of Interest Code and rescinding Resolution No. 2004 – 057 and 2005 – 040.

7. **Vantis - Tract 16865, Final Tract Map**

RESOLUTION NO. 2006 - 008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING FINAL TRACT MAP FTM 16969, TO ESTABLISH 43 LETTERED AND NUMBERED LOTS AND CONSTRUCT 409 DWELLING UNITS, 6 OFFICE BUILDINGS, A RECREATION CENTER, PUBLICLY ACCESSIBLE TRAIL, AND OTHER PUBLIC AND PRIVATE IMPROVEMENTS

Adopted Resolution No. 2006 - 008 approving Final Tract Map (FTM) for Tract 16865, Vantis, subject to minor modifications as approved by the City Engineer and directed Staff to have said final map recorded in Orange County.

PUBLIC HEARING

8. **Minor Conditional Use Permit UPAV05-08 for establishment of World Healing Center Church within the existing Regal Cinema Theaters located at 26701 Aliso Creek Road, in Aliso Viejo Town Center**

RESOLUTION No. 2006 - 009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT UPAV05-08 FOR ESTABLISHMENT OF SUNDAY MORNING CHURCH USE WITHIN TWO MOTION PICTURE THEATRES AT 26701 ALISO CREEK ROAD WITHIN ALISO VIEJO TOWN CENTER

Consulting Planner Albert Armijo gave a brief background from the staff report. He stated that there was a correction on the agenda item regarding the hours of operation proposed.

Discussion ensued regarding the duration of the minor use permit, that the applicant is seeking larger facilities, the commendation of joint uses for an existing facility, the letter from the landlord accepting the requested use, the applicant's time frame to start services, condition seven to be amended by adding the phrase, "by the applicant", and thus retaining the theatre's ability to sublease to another, the condition regarding code enforcement of debris in the public areas, and that all maps need to be identified with title, date, address, and directionals.

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 Ficke and seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2006 - 009 approving Minor Use Permit UPAV05-08 subject to conditions of approval.

THE MOTION was amended and accepted by Council Member Ficke and Mayor Pro Tem Adams, to adopt Resolution No. 2006 - 009 approving Minor Use Permit UPAV05-08 subject to conditions of approval with amendments to condition number one on the hours of operation from 7:00 a.m. to 11:45 a.m. and condition number seven to add the clause "by the applicant." Motion carried unanimously, 5-0.

COUNCIL BUSINESS

9. **Process for Contract Renewal for three Public Works Contracts**

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

Discussion ensued regarding if the prices on the current contract will being held, the upcoming negotiation process to discuss pricing, and the term of contract on the Request for Proposal on the Street Sweeping.

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

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Ficke, to re-negotiate with PVM for street maintenance contract for a 2-year term; to re-negotiate with CSC for traffic signal maintenance services contract for a 1-year term; and to re-bid the contract for street sweeping services this fiscal year. Motion carried unanimously, 5-0.

10. **Memorandum of Understanding with Shea Homes and San Joaquin Hills Transportation Corridor Agency for Administration of Corridor Fee Credits**

City Attorney Smith gave a brief background from the staff report. He stated that the process would be that the Applicant would obtain a letter from the Transportation Corridor Agency prior to issuance of a City building permit.

Discussion ensued regarding the contract execution process, the past process on corridor fee credits, whether Shea Homes can collect more than what is due to them, the recommended process being what was proposed, how the process will work under redevelopment, if the process is the same with other agencies, the rates being charged, where the funds were being applied, the request to have the money pay for infrastructure improvements, and the history of the corridor fee credit.

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

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Ficke, to approve the Memorandum of Understanding with Shea Homes and the San Joaquin Hills Transportation Corridor Agency for administration of Corridor Fee Credits. Motion carried, 4-1 with Council Member Warkomski dissenting.

Mayor Vali-Cave questioned why the requirement of compliance prior to a City building permit does not apply to easements. City Attorney Smith stated that the City is obligated to do so with the TCA. He stated that it could be required if Council and private utility companies desired.

COMMUNITY INPUT

Kristie Halka addressed the Council on affordable housing. She urged Council to support the infrastructure bond because of the \$425 million dollars earmarked for affordable housing. She requested that Council and the audience support bonds and legislation that support affordable housing, transitional housing, and assistance for the homeless.

CITY MANAGER'S REPORT

City Manager Pulone reported that that Council discussed the affordable housing issues at their last Workshop. He stated that the Council has been very proactive on this issue.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Council Member Ficke attended the Orange County Business Council Annual Forum. He stated the theme was "density by design." He requested a copy of the presentation be sent to the City.

Council Member Phillips

None.

Council Member Warkomski

Council Member Warkomski desired that Measure M Renewal funds be used to pay down the debt of the 73 Corridor Toll Road.

Mayor Pro Tem Adams

Mayor Pro Tem Adams participated in Guest Reader Day.

Mayor Pro Tem Adams stated that the OCFA Board meets on March 23, which is Nancy Swanson's last meeting before her retirement. Mayor Pro Tem Adams will be on the interview panel for her replacement.

Mayor Pro Tem Adams stated that she would be attending the State League Policy Committee for Employee Relations on March 30.

Lastly, Mayor Pro Tem Adams desired to have an Aliso Viejo Team at the upcoming Americans with Diabetes Walk. She suggested a virtual or ghost walk since Staff would be involved in coordinating the Business and Community Expo.

Mayor Vali-Cave

Mayor Vali-Cave reviewed her schedule since the last Council Meeting. On March 3, she participated in Guest Reader Day and also met with Senator Torkelson regarding the Master Trail Plan funding. On March 5, Mayor Vali-Cave participated in the Anti-Airport Volunteer Thank You Party. On March 6, Mayor Vali-Cave participated in the Ad Hoc Working Group on the DRC interview panel. She thanked Council for accepting their recommendation and the selection in the event of an unscheduled vacancy. On March 7, Mayor Vali-Cave was the Principal of the Day at Aliso Niguel High School.

Mayor Vali-Cave reported on the Budget Workshop last week. On March 9, Mayor Vali-Cave attended the TCA Board Day and Joint Ad Hoc financial meeting for the merger for the two toll agencies. Also on March 9, Mayor Vali-Cave attended the divisional meeting for the League and the Ad Hoc Legislative Advocacy Committee Meeting on telecommunication issues.

Mayor Vali-Cave thanked OCFA and Police Services for participating in the Walk to School Day at Oak Grove on March 15. Also she attended the Measure M Super Subcommittee and comments received on the draft plan would be reviewed on March 29 by the Super Subcommittee.

Mayor Vali-Cave stated that she and City Manager Pulone would be meeting tomorrow with the AVCA President and Merit Staff.

Lastly, Mayor Vali-Cave reported that she would be participating on the Scholarship Review Committee for Soka University and the House Committee for the major fundraiser in April for the Irvine Valley College Foundation.

CLOSED SESSION

At the hour of 8:17 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 and Columbia Partners, LLC
Under Negotiation:	Price and Terms

At the hour of 8:35 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 8:35 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Carmen Vali-Cave
Mayor