

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
March 16, 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 7:00 p.m. on Wednesday, March 16, 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 March 10, 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. Assistant to the City Manager / City Clerk Robinson announced Council Member Ficke was excused from this meeting pursuant to Resolution No. 2003 - 035.

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

Absent: Council Member Greg Ficke

PLEDGE OF ALLEGIANCE

John Whitman led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Warkomski presented Certificates of Recognition to the Aliso Niguel High School Boys Varsity Basketball for being the 2005 CIF Southern Section Division IA Champions. Coach Keith Barnett thanked the Council and described the championship games.

Mayor Warkowski presented to Barry Adams the Proclamation declaring April 2005 as National Donate Life Month and in support of their Run/Walk event held on April 23, 2005. Barry Adams thanked the Council for recognizing this valuable cause and explained the importance of being a donor.

PROCLAMATIONS PRESENTED ELSEWHERE

Assistant to the City Manager/City Clerk Robinson stated that Mayor Warkowski presented the Certificate of Recognition to Janet Huston at the Orange County Division of the League of California Cities meeting.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

Council accepted City Manager Norman's request to remove Item Number 8, 31 Columbia - Site Development Permit SDP04-35: a request to demolish an existing commercial office building and construct an office/industrial warehouse complex of approximately 96,450 square feet with 322 parking spaces on an 8 acre site. He stated approvals on changes to the original plan were not obtained from AVCA prior to this review.

CONSENT CALENDAR

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 Phillips and seconded by Mayor Pro Tem Vali-Cave, to approve the Consent Calendar as described below. Motion carried unanimously, 4-0, with the exception of Council Member Ficke due to his absence.

1. Waive the Reading of All Ordinances

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

2. Minutes – March 2, 2005 Meeting

Approved the minutes as submitted.

3. Warrants

1. Ratified warrants for February 24, 2005 in the amount of \$42,268.20; and
2. Ratified warrants for March 3, 2005 in the amount of \$44,393.71.

4. **Appointment of City Engineer as Agent for Purpose of Executing Notices of Completion**

RESOLUTION NO. 2005 – 012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AUTHORIZING THE CITY ENGINEER TO ACCEPT PUBLIC WORKS OF IMPROVEMENT AND RECORD NOTICES OF COMPLETION

Adopted Resolution No. 2005 – 012 authorizing the City Engineer to accept public works improvement projects and authorizing the City Clerk to record Notices of Completion with the County Recorder's Office.

5. **Amend Professional Services Agreement with Winter Visuals for Bulletin Board and Video Playback Operations**

Authorized the Mayor to execute the professional services agreement with Winter Visuals for assistance with the design of the Cable TV Bulletin Board and Video Playback System, and for daily operation of the system.

6. **Overruling the ALUC'S Findings of Inconsistency for the Vantis Specific Plan**

RESOLUTION NO. 2005 – 013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, OVERRULING THE AIRPORT LAND USE COMMISSION'S FINDING OF INCONSISTENCY FOR THE VANTIS SPECIFIC PLAN

Adopted Resolution No. 2005 - 013 overruling the Airport Land Use Commission's Finding of Inconsistency for the Vantis Specific Plan.

PUBLIC HEARING

7. **Glenwood at Aliso Viejo - Tentative Tract Map TTM 16644 to Establish 354 Lettered and Numbered Lots and Construct 318 Single Family Dwellings; Site Development Permit SDP04-36 to Construct a Community Conference Center, Aquatic Center with Three Pools, and a New Clubhouse Facility; and SDP04-37 to Construct 184 Medium Density Townhomes for a Total of 502 Dwelling Units**

RESOLUTION NO. 2005 – 014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP TTM 16644, TO ESTABLISH 354 LETTERED AND NUMBERED LOTS AND CONSTRUCT 502 DWELLING UNITS, A COMMUNITY CONFERENCE AND AQUATIC CENTER WITH THREE POOLS, AND A NEW CLUBHOUSE FACILITY WITH PARKS AND HIKING TRAILS

RESOLUTION NO. 2005 – 015 (Renumbered)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE SITE DEVELOPMENT PERMIT SDP04-36 FOR THE CONSTRUCTION OF AN APPROXIMATELY 29,000 SQUARE FOOT CLUBHOUSE, A 10,375 SQUARE FOOT COMMUNITY CENTER AND AQUATICS FACILITY, A 0.7-ACRE PUBLIC PARK, AND A MINIMUM OF 425 PARKING SPACES TO SERVE THE CLUBHOUSE AND COMMUNITY FACILITIES

RESOLUTION NO. 2005 – 011 (Renumbered)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE SITE DEVELOPMENT PERMIT SDP04-37 FOR THE CONSTRUCTION OF 184 TWO- AND THREE- STORY ATTACHED TOWN HOMES WITH 2-CAR DIRECT ACCESS GARAGES ON 11.6 ACRES, INCLUDING 43 UNITS THAT ARE PROVIDED PURSUANT TO THE AFFORDABLE HOUSING INCENTIVE OF THE DEVELOPMENT AGREEMENT, AND TWO POCKET PARK RECREATION AREAS

Planning Director Garcia gave a PowerPoint presentation and reviewed the staff report in detail. She stated that revised resolutions were distributed to Council at the dais.

Discussion ensued regarding the exact amenities in the aquatic center, landscaping plans, lot size, a disclaimer that lot size varies and the average lot size was posted, the back lots and its dimensions, the fencing plans being approved only by Staff and not Council, the material used for fencing, the revision of plans referencing fencing, the street width especially for trash collection days, the condition required for community trash receptacles, the review by the DRC, the condition on setbacks, the public parking not listed on the plans, the park not showing play equipment although it was part of the Development Agreement, the tressel, the netting and screening at the practice station, the separation between the facilities, residential and Space A, the relaxation pool's depth begin 5 feet, the error on the plans stating that the relaxation pool was the wading pool, and the landscape and plant material for the wedding pavilion.

Resolution No. 2005 – 014 was discussed by Council: the reference of rooftop equipment screening, the intent of “hidden” equipment and from what view, the word “adjacent”, the fencing plans being brought back to Council, adding the clause that it be consistent with the Specific Plan on the public street improvements, the momentuation plans needs to reference to the Specific Plan, the general reference to the Specific Plan, the intersection and access roads being improved now and not later, the lack of utility service being identified in the resolution, the clarification of car maintenance and the car wash area, the need to include in the CC&R’s, the requirements of the HOA, and the HOA’s responsibility for cleaning the storm drains.

Resolution No. 2005 – 015 (Renumbered) was discussed by Council: the trash enclosures and recycling, the CUP uses allowed in the conference facilities, the reference to the Specific Plan and not the City’s Plan in regards to the plant palette, the meaning of 50% requirement for drought tolerant native plants, that plant species were discussed at the DANT meetings, the clarification that the 50% requirement for plant area excluded the golf course area, the OCFA requirements, the pools being ADA compliant, and the parking per Code.

Resolution No. 2005 – 011 (Renumbered) was discussed by Council: the mechanical equipment on the rooftops, the handicaps requirements on town homes, the requirement of Sheriff’s conditions (especially illumination), the security system be conditioned to state if warranted by Sheriffs, the signage, the stairwell turn radius, the requested meeting with the Developer to clarify the definitions of “shall”, “must”, “should”, and the requested meeting with the Developer on CPTED requirements.

Gary Kubesh stated that he supported the project and thought it was a great addition to the community.

Rich Krugh liked the aquatic center and the ability to bring clients to the restaurant after a round of golf. He also felt it was a great project.

Further discussion ensued regarding the architectural, the opposition of wood fences, the guidelines on fencing, the next level of landscape review, the speed of reviews done by Staff, the appreciation of efforts by all, that the patio walls on the medium density residential be included for screening purposes, the pad for the trash container area, the lighting for the trash areas, the 2:1 slope, the reference to the Shady Canyon development for landscaping ideas, the desire to having landscaping look natural and soften the slopes, the utility box in the right-of-way, the suggestion to look at new technology on utility boxes in the right-of-way, and the appreciation of the work done by the DANT.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips, to approve Resolution No. 2005 - 014 approving Tentative Tract Map TTM 16644, to establish 354 lettered and numbered lots and construct 502 dwelling units, a community conference and aquatic center with three pools, and a new clubhouse facility with parks and hiking trails as amended. Motion carried unanimously, 4-0, with the exception of Council Member Ficke due to his absence.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to approve Resolution No. 2005 – 015 (Renumbered) approving the site development permit SDP04-36 for the construction of an approximately 29,000 square foot clubhouse, a 10,375 square foot community center and aquatics facility, a 0.7-acre public park, and a minimum of 425 parking spaces to serve the clubhouse and community facilities as amended. Motion carried unanimously, 4-0, with the exception of Council Member Ficke due to his absence.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams to approve Resolution No. 2005 – 011 (Renumbered) approving the site development permit SDP04-37 for the construction of 184 two- and three- story attached town homes with 2-car direct access garages on 11.6 acres, including 43 units that are provided pursuant to the affordable housing incentive of the Development Agreement, and two pocket park recreation areas as amended. Motion carried unanimously, 4-0, with the exception of Council Member Ficke due to his absence.

8. **31 Columbia - Site Development Permit SDP04-35: A Request to Demolish an Existing Commercial Office Building and Construct an Office/Industrial Warehouse Complex of Approximately 96,450 Square Feet with 322 Parking Spaces on an 8 Acre Site**

Council removed this item from the agenda. City Manager Norman stated that the Applicant did not have the proper approvals from other agencies prior to submitting the application to the City.

At the hour of 8:50 p.m. Mayor Warkomski declared a recess.

At the hour of 9:03 p.m. the City Council reconvened, with all Council Members present, with the exception of Council Member Ficke due to his absence.

COUNCIL BUSINESS

9. **Initiation of Proceedings to Consider the Establishment of Community**

Facilities District No. 2005-01 (Glenwood at Aliso Viejo)

RESOLUTION NO. 2005 - 016

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED TO BE INCLUDED IN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2005-01 (GLENWOOD AT ALISO VIEJO)

RESOLUTION NO. 2005 - 017

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2005-01 (GLENWOOD AT ALISO VIEJO) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE THE ACQUISITION OR CONSTRUCTION OF CERTAIN PUBLIC FACILITIES

RESOLUTION NO. 2005 - 018

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DECLARING THE NECESSITY OF COMMUNITY FACILITIES DISTRICT NO. 2005-01 (GLENWOOD AT ALISO VIEJO) TO INCUR A BONDED INDEBTEDNESS TO BE SECURED BY SPECIAL TAXES LEVIED WITHIN SUCH DISTRICT TO PAY FOR THE ACQUISITION OR CONSTRUCTION OF CERTAIN PUBLIC FACILITIES

Bond & Disclosure Counsel Warren Diven gave a brief background from the staff report.

Discussion ensued regarding the clarification of the boundaries, the Mello Roos confinements on the boundary, and the date of the Public Hearing being April 20, 2005.

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

Discussion ensued regarding the timing of a spreadsheet on financing, the preparation of the CFD Report, the schedule of processes, the examples of worst case scenarios to better understand the process completely, the issue of priority and funding sources, the calculations estimated to cover expenses, the upcoming agreements being presented at the Council Meeting on April 20, the Great Park project, the revision to include an exhibit map and preliminary site plan if referenced in the resolutions, the reference to the Development Agreement, and the rationale of prepayment option and its

effect on the bonds.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to approve Resolution No. 2005 - 016 approving a boundary map showing the boundaries of the territory proposed to be included in proposed Community Facilities District No. 2005-01 (Glenwood at Aliso Viejo) with appropriate exhibits. Motion carried unanimously, 4-0, with the exception of Council Member Ficke due to his absence.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Mayor Warkowski, to approve Resolution No. 2005 – 017 declaring its intention to establish Community Facilities District No. 2005-01 (Glenwood at Aliso Viejo) and to authorize the levy of a special tax therein to finance the acquisition or construction of certain public facilities (the “Resolution of Intention”) with appropriate exhibits. Motion carried unanimously, 4-0, with the exception of Council Member Ficke due to his absence.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to approve Resolution No. 2005 – 018 declaring the necessity of Community Facilities District No. 2005-01 (Glenwood at Aliso Viejo) to incur a bonded indebtedness to be secured by special taxes levied within such District to pay for the acquisition or construction of certain public facilities with appropriate exhibits. Motion carried unanimously, 4-0, with the exception of Council Member Ficke due to his absence.

10. Consideration of Funding for Restrooms at Ridgcrest Park and Memorandum with Emerald Venture Development Group regarding Ridgcrest Park Improvements

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

Discussion ensued regarding the process of the Memorandum of Operation, the requirement of plans be included to fully understand the proposed improvements requested by AVCA, if the AVCA Board approved the amenity, the decisions made by the Parks and Recreation Committee, the entitlement process, the DANT negotiation process, the intent of a recreational element, the process of active recreation amenities, the demand for tennis courts, the costs of \$70,000 including two lighted tennis courts, the cost of \$70,000 to help in the costs and not the total price for the tennis courts or other racquet facilities, the purpose being some type of active recreation use, the gift not being looked at as a gift, the need for further clarification on the intent, the Developer managing the process and defining the terms, the need to take leadership, the clarification of the agreement, the 30-day clause to come back with a “plan” from AVCA, the revision of the wording of the Operating Memorandum, the need for the basic design and layout requested from

AVCA, the decision by AVCA to the City on May 9 after two AVCA meetings were held, the need to have the request come back as a project, the desire to have two lighted tennis courts or other racquet facilities, benches, water fountain and Developer's cost with a not-to-exceed \$70,000 amount, the request that the City Manager write a letter explaining in detail what and why the Council took the action it did and that the Council was not oppose to a bathroom in the park, and the good faith effort and rationale of the gift and why it is important to add a recreational element.

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

The consensus of the Council was to direct the City Manager to write a letter to AVCA including the following points: a basic design and layout from AVCA to the City by May 9; the desire to have no more than two lighted tennis courts, benches, water fountain with the Glenwood Developer's cost not-to-exceed \$70,000; the detailed explanation of the specific reasons for Council's action; the good faith effort and rationale of the gift; the importance for an active recreational element; and that Council was not opposed to the installation of a bathroom in Ridgecrest Park, but rather did not to pay for it.

COMMUNITY INPUT

Nancy Conley requested that an update be given on the parking issue on Glenwood for the Brookline Park.

Nancy Conley also asked if some of the mailboxes could be painted since they have become unsightly.

CITY MANAGER'S REPORT

City Manager Norman reported on the "October Surprise" for increase in costs on Police Services that came in spring this year.

City Manager Norman stated that the draft Specific Plan was submitted on Ventana Ridge, and DANT will be forthcoming on Aliso Commons project.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Adams

Council Member Adams stated that AVCA Parks and Recreation Committee would be on April 4. She stated that Lt. Paddock and Crime Prevention Specialist Beauchamp would be making a presentation on Park Watch. She requested an alternate be appointed to the Committee in the event she was unable to attend. Council Member Adams stated OCFA would meet on March 24 to discuss the ambulance agreement.

Lastly, Council Member Adams requested a status on the panels that should be lit behind the Lowe's project.

City Manager Norman requested the consensus of the Council on Council Member Adams' request. It was so directed to have this agenda item come back at the next meeting.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave stated that the Ad Hoc Working Group on Codification completed reviewing Title 1 of the County Code, and would be meeting on March 31.

Mayor Pro Tem Vali-Cave stated she attended the Leadership Symposium with the Mayor. Mayor Pro Tem Vali-Cave stated she attended the OCFA Open House.

Mayor Pro Tem Vali-Cave stated, weather permitting, she would be attending the Easter Egg Hunt and Kiwanis Pancake Breakfast this weekend. She explained the purpose was to help fund the Aliso Viejo Youth Commission.

Mayor Pro Tem Vali-Cave mentioned other events forthcoming: Medal of Valor Luncheon, Golf Tournament Committee Meeting, Walk to School Day, One Stop Open House, DANT meetings, and Southern California Edison breakfast with the City Manager.

Mayor Pro Tem Vali-Cave was enthusiastic about the article in the AVCA newsletter and the desire to cooperate with the City in helping abate vandalism. She cited the direct correlation of reducing vandalism and increasing community courses for the youth. She was appreciative of the support from AVCA on services for the youth and reiterated the need for organizations such as the Boys and Girls Club and the need to have for those services in Aliso Viejo.

Council Member Phillips

Council Member Phillips thanked Staff for their accomplishments recently: extending the contract on cable programming, survey on the light posts, and the rapid review on planning items.

Mayor Warkomski

Mayor Warkomski stated he attended the Great Park Annual Dinner where a presentation was given on the concepts and scope of the Park. He stated that the Park would be larger in size than Central Park in New York. He stated that the Great Park wanted to dig up the runway and debris as soon as possible. He also mentioned the educational components of the project.

CLOSED SESSION

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

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

CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS

Pursuant to Government Code Section 54956.95

Claimant: Liping Chuang
Agency claimed against: City of Aliso Viejo

At the hour of 10:15 p.m. the City Council reconvened, with all Council Members present.

City Attorney Smith announced that there was a motion by Council Member Adams and seconded by Council Member Phillips, to deny the claim of Liping Chuang. The motion carried unanimously, 4-0.

ADJOURNMENT at 10:16 p.m.

Submitted By:

Approved By:

Susan A. Robinson, CMC
City Clerk

Karl P. Warkomski
Mayor