

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
April 5, 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 7:05 p.m. on Wednesday, April 5, 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 31, 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

OCSD Dispatcher Alicia Smith 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. Warkowski

Absent: None

SPECIAL PRESENTATIONS

Mayor Vali-Cave requested City Engineer Whitman to describe the new solid waste vehicles that were on display before tonight's Council Meeting. He stated that the vehicles are clean fueled and are a result of the new franchise agreement with CR&R. He reported the savings to the homeowners on trash pick-up, the description of the vehicles, and the amount of recycling diverted from the landfill. He was confident that the City's recycling requirements will be met.

Chief of Police Services Lt. Paddock described the intensive duties of telecommunicators. He talked about the necessity of the job and how efficiently and accurately telecommunicators assist callers. Mayor Vali-Cave reminded the

audience of using non-emergency numbers in order to keep the emergency line open for emergency situations. Mayor Vali-Cave presented the proclamation declaring National Telecommunicators' Week to OCSD Dispatcher Alicia Smith. OCSD Disaptcher Smith thanked the City and Council for the recognition on behalf of all telecommunicators.

Chief of Police Services Lt. Paddock explained the selection process for the Deputy of the Year. Mayor Vali-Cave presented the Certificate of Congratulations to OCSD Deputy Pax Perez as the 2005 Mission Viejo Elks Club's Deputy Sheriff of the Year. OCSD Deputy Perez thanked the Council.

City Manager Pulone described the duties performed by Administrative Services Manager Murray and thanked her for her service to the City. Mayor Vali-Cave presented the Certificate of Appreciation and plaque to outgoing Administrative Services Manager, Laurie Murray. Laurie Murray thanked the Council for the opportunities given to her.

PROCLAMATIONS PRESENTED ELSEWHERE

Mayor Vali-Cave stated that a proclamation declaring April 23 through April 30, 2006 as Days of Remembrance was mailed to the organization's headquarters in Washington DC.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

City Manager Pulone stated that a letter to rescind was received late today regarding Item Number 9, request for Variance to permit a 7.5-square-foot community identification sign for the Canyon Villas Condominiums to be located on the existing wall at the intersection of Pacific Park Drive and Aliso Creek Road. Mayor Vali-Cave asked if anyone wished to speak on the item. Hearing none, the Public Hearing item was deleted from the agenda.

CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Phillips, to approve the Consent Calendar as described below with the exception of Item Number 7, Request for Proposal (RFP) for a Park-N-Ride Facility. 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 8, 2006 Adjourned Meeting**

Approved the Minutes as submitted.

3. **Minutes – March 15, 2006 Meeting**

Approved the Minutes as submitted.

4. **Warrants**

RECOMMENDED ACTION:

1. Ratified warrants issued March 9, 2006 in the amount of \$47,289.04;
2. Ratified warrants issued March 16, 2006 in the amount of \$39,859.57;
and
3. Ratified warrants issued March 23, 2006 in the amount of \$73,920.28.

5. **Treasurer's Statement – February 2006**

Approved the February 2006 Treasurer's Statement.

6. **Tract 14974 – City Accept Completion Report**

RESOLUTION NO. 2006 - 010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ACCEPTING THE VARIOUS IMPROVEMENTS AND CONCURRING WITH EXONERATING THE VARIOUS BONDS ASSOCIATED WITH TRACT 14974

Adopted Resolution No. 2006 - 010 accepting the various private and public streets and other improvements and concurring with exonerating the various bonds.

REMOVED FROM THE CONSENT CALENDAR

7. **Request for Proposal (RFP) for a Park-N-Ride Facility**

City Engineer Whitman described the scope of work of the RFP.

Council Member Warkowski did not feel that the proposed location at Alicia was the best location and wanted equal time to study the SR-73 Toll Road interchange at Glenwood. He also addressed the issue of the proposed park-n-ride location being adjacent to a park. He would rather zone the location as open space and add to the park. He also wanted to consider the

location at the SR-73 Toll Road interchange at El Toro Road.

Mayor Vali-Cave asked if there were any encumbrances by the County on the property located at Alicia.

Discussion ensued regarding identifying other sites in the City that may be acceptable for a park-n-ride facility, evaluation of other sites and possible restrictions, the possibility of using permeable surfaces on the proposed site, the cost estimate stated in the RFP, the OCTA grant and turn back funding, having a general discussion with OCTA, the suggestion to continue the item until discussions were held with CalTrans, the plans of the SR-73 interchange at Glenwood, the suggestion to wait until the interchange is completed in 2043 when CalTrans accepts the Toll Road, the description of the proposed interchange, the schedule of timing for the interchange, and the cost savings of a park-n-ride for a ten-year period, a request for continuance, seeking alternative locations, the funding ending in June of 2006, the possibility of joint use of a park-n-ride and doggie park, the request for an extension with OCTA, and the desire to have best location for the project.

THERE WAS COUNCIL CONSENSUS to continue this item until after Staff had a discussion with CalTrans, to add in the RFP a request to seek alternatives locations within the City, and to talk with OCTA about an extension being permitted, and whether OCTA would allow alternative sites. Hearing no objections, the direction carried through acclamation.

PUBLIC HEARING

8. **Ordinance to establish Floodplain Management Overlay Zone including Permit Procedures and Adoption of Resolution Committing to maintain Rules and Regulations concerning management of Flood Prone Areas and making Application to join the National Flood Insurance Program**

ORDINANCE NO. 2006 - 082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADDING ARTICLE 10 TO DIVISION 1 OF TITLE 7 OF THE ORANGE COUNTY CODE, AS ADOPTED BY THE CITY OF ALISO VIEJO, ESTABLISHING THE FLOODPLAIN MANAGEMENT OVERLAY DISTRICT

RESOLUTION NO. 2006 - 011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA TO CERTIFY THAT APPROPRIATE REGULATORY MEASURES WILL BE ADOPTED AND ADMINISTERED TO REGULATE DEVELOPMENT IN FLOOD HAZARD AREAS

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

Discussion ensued regarding seeing a map of the existing flood zone, and the largest margin between the bank of Aliso Creek to the outer edge of the flood plain being under 1000 feet.

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 Council Member Warkowski, to:

1. Introduce Ordinance No. 2006 – 082 adding Article 10 to Division 1 of Title 7 of the Orange County Code as adopted by the City of Aliso Viejo, establishing the Floodplain Management Overlay District;
2. Adopt Resolution No. 2006 – 011 committing to adopt and maintain regulatory measures for flood hazard areas; and
3. Direct Staff to file application to join the National Flood Insurance Program.

Motion carried unanimously, 5-0.

9. **Request for Variance to Permit a 7.5-square-foot community identification sign for the Canyon Villas Condominiums to be located on the existing wall at the intersection of Pacific Park Drive and Aliso Creek Road. Section 7-1-111(c)(2) prohibits community identification signs from being located at major arterial intersections.**

Mayor Vali-Cave stated that this item was removed from the agenda.

COUNCIL BUSINESS

10. **Program Update – Emergency Management Consulting Services**

City Manager Pulone introduced Jaime Beccera, Emergency Services Coordinator. Emergency Services Coordinator Beccera gave a brief background from the staff report and described the accomplishments to date. He also added the items that need to still be accomplished.

Discussion ensued regarding implementing the lessons learned through national disasters.

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

Chief of Police Services Lt. Paddock updated the Council on the Citizens' Disaster Preparedness Academy. He described the efforts to produce the forthcoming Academy. He credited the sponsors of the pilot program. He

stated that half of the class is filled.

Discussion ensued regarding recruiting key individuals with expertise in the community that could take initial charge in the midst of disaster.

Mayor Vali-Cave thanked the speaker for the presentation and stated that the recommended action was to receive and file the report.

COMMUNITY INPUT

Daniel Reveles, an Aliso Niguel High School Student, described his involvement with Habitat for Humanity of Orange County. He requested Council support of this organization. He stated that 112 houses were built in Orange County. He distributed photos of the houses built and the needs for such housing in South Orange County. He distributed information and photographs to the City Clerk.

CITY MANAGER'S REPORT

City Manager Pulone reported that Council will be conducting a Budget Workshop On April 19th at 5:00 p.m. He stated the proposed budget includes consultant services to develop an affordable housing plan for the city. He stated that the City will be developing strategies over the next year and welcomes public input.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

None.

Council Member Phillips

None.

Council Member Warkomski

Council Member Warkomski stated he attended a public hearing for the Draft Environmental Impact Statement for the Lake Elsinore Advances pumped Storage Project, FERC Project No. 11858. He stated that the project, an 18 story high dam for unmet electricity for the Lake Elsinore area, is proposed to be located in the Cleveland National Forest. He provided his copy for review by the public.

Mayor Pro Tem Adams

Mayor Pro Tem Adams stated that she would be attending the OCFA Budget and Finance Meeting and a Capital Improvement Program Committee Meeting on April 12.

Mayor Pro Tem Adams requested recognition be given to the employees of the Aliso Viejo Sav-On Store for their efforts in supporting Donate Life Month. She encouraged the public to purchase a green bracelet for \$1.00 from Sav-On in support of the cause. Lastly, she informed the audience that Sav-On employees will be donating \$5.00 to wear jeans on April 28 with a matching \$5.00 from the employer. She stated that the funds would directly benefit the program which helps to fund the new online donor registry for the State of California.

Mayor Vali-Cave

Mayor Vali-Cave stated that she and City Manager Pulone met with Laguna Hills Council Member Melody Carruth, Saddleback Hospital CEO, Congressman Campbell's office, and a representative from the United States Postal Office to discuss the timeline for a retail postal facility in Aliso Viejo and how to reduce the postal scope near the Saddleback Hospital.

Mayor Vali-Cave stated that she met with school principals in the city to discuss what the school needs are for next year. Mayor Vali-Cave stated that she saw the focus of the next five years as engaging the community to find out how we continue to build the sense of community and continue to involve all aspects of the members of the community in long range planning and to provide more opportunities to the youth.

Mayor Vali-Cave stated that a Measure M extension presentation will be made at the next League of Cities Divisional Meeting.

Mayor Vali-Cave reported on the discussion held at the TCA on long-term solutions to solving the financial problem. A presentation was made by Goldman and Sachs to privatize the operation of collecting tolls in a long-term agreement up to 99 years. She stated her concerns of extending the time to pay off the toll road. She stated that if nothing was done, the tolls would be paid off in mid 2030, the mitigation would be paid by 2043 and the road would be turned over in 2043. She stated that privatization would extend the agreement minimally to 17 years for a 50-year agreement. She stated that she would not be supporting a position that extended the situation and would be happy to discuss further with any Council Member.

CLOSED SESSION

At the hour of 8:15 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

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases: 1

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Government Code Section 54956.9 (a)

Name of Cases:

1. *City of Aliso Viejo v. AJJ Associates/Landscape Resource, Inc., et al.*
Orange County Superior Court Case No. 06CC00041
Complaint In Interpleader filed 3/10/06
2. *Construction Laborers Trust Funds For Southern California Administrative Company v. Ranco Corporation; et al.*
United States District Court Case No. CV05-8902 SVW (Ex)
Complaint filed 12/22/05
3. *Doty Bros. Equipment Co. v. Ranco Corporation; et al.*
Orange County Superior Court Case No. 06SL00690
Complaint filed 2/14/06
4. *Penhall Company v. Ranco Corporation; et al.*
Los Angeles County Superior Court Case No. BC346434
Complaint filed 1/25/06
5. *Phoenix Landscape, Incorporated v. Ranco Corporation; et al.*
Orange County Superior Court Case No. 06CC02991
Complaint filed 2/9/06
6. *White Cap Construction Supply, Inc. v. Ranco Corporation; et al.*
Orange County Superior Court Case No. 06CC02327
Complaint filed 1/19/06

At the hour of 9:34 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 9:35 p.m. to April 19, 2006 at 5:00 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Carmen Vali-Cave
Mayor