

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
April 19, 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 7:20 p.m. on Wednesday, April 19, 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 7:00 p.m. on April 13, 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

Michael Thompson, Senior Patrol Leader of Troop 700, led the Pledge of Allegiance. Mayor Vali-Cave thanked Troop 700 for their support on Sporto Vilka Day.

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

Mayor Vali-Cave presented a Congratulatory Certificate to Justin Song for achieving the Championship of the Department of Education's Spelling Bee in Orange County.

Mayor Vali-Cave requested the assistance of Chief of Police Services Lt. Paddock and Battalion Chief Blaul. Battalion Chief Blaul requested Engineer Covey to describe the efforts of Deputy Kevin Geary, Will Geoghegan, Michael Mirando, and Deputy Darren Sandberg in providing assistance at the scene of the Pantano motorcycle accident. Mayor Vali-Cave and Battalion Chief Blaul presented Certificates of Recognition to the individuals for their achievement.

Mr. Pantano thanked the individuals for their assistance. He also thanked his wife for being by his side and explained all the duties she did in order to help him heal so quickly.

Mayor Vali-Cave stated that both Barry Adams and Raymond deLeon would not be here without an organ transplant. Barry Adams stated that April is Donate Life Month. He asked Amy deLeon to come to the podium and presented her with flowers for donating her kidney to her father, Raymond De Leon. Barry Adams gave green wristbands to the Council in support of Donate Life Month. Both recipients stated the support of their friends and family was crucial to their success. Mayor Vali-Cave presented the proclamation declaring the month of April as Donate Life Month to Barry Adams and Raymond deLeon.

PROCLAMATIONS PRESENTED ELSEWHERE

Mayor Vali-Cave stated proclamations celebrating the 100th Year Anniversary of the Boys & Girls Club Organizations for Laguna Beach and Capistrano Valley were distributed to the Boys & Girls Clubs.

Mayor Vali-Cave stated proclamations declaring April 12, 2006 as Sporto Vilka Day were presented at the event.

Mayor Vali-Cave stated a Certificate of Appreciation to outgoing DRC Member, Stewart Winkler was delivered to him.

Mayor Vali-Cave stated Certificates of Appreciation were presented at the Volunteer Luncheon to Fred Lee, Lennie Sutherland, Wib Sutherland, Raul Saralegui, Ron Mayer, Jim Conran, Lu Cizek, Esther Freed, and Anne Heath for volunteering at the Family Resource Center.

Mayor Vali-Cave stated that a Certificate of Appreciation will be presented to the employees of the Aliso Viejo Sav-On for supporting Donate Life Month.

Mayor Vali-Cave stated a proclamation declaring April 23 through April 29, 2006 as National Crime Victims' Rights Week was mailed to the organization.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

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. 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 – April 5, 2006 Meeting**

Approved the Minutes as submitted.

3. **Warrants**

1. Ratified warrants issued March 30, 2006 in the amount of \$525,361.01; and
2. Ratified warrants issued April 6, 2006 in the amount of \$12,058.05.

4. **Use Permit UPAV06-03, a request by Stadium Brewing Company to establish an 88 square foot stage area for live entertainment inside of the existing 5,390 square foot restaurant, located at 26731 Aliso Creek Road, Suite C, within Aliso Viejo Town Center**

RESOLUTION NO. 2006 - 012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV06-03, A REQUEST BY STADIUM BREWING COMPANY FOR THE ESTABLISHMENT OF AN 88 SQUARE FOOT LIVE ENTERTAINMENT AREA WITHIN THE EXISTING 5,390 SQUARE FOOT RESTAURANT, LOCATED AT 26731 ALISO CREEK ROAD, SUITE #C

Adopted a Resolution approving a request by Stadium Brewing Company for establishment of an 88 square foot Live Entertainment Area within the existing 5,390 square foot restaurant, located at 26731 Aliso Creek Road, Suite C, within Aliso Viejo Town Center.

5. **Ordinance to establish Floodplain Management Overlay Zone**

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

Adopted 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.

6. RFP for Street Sweeping Services

Approved the request for proposal (RFP) and direct Staff to advertise, interview contractors if necessary, and recommend a consultant for City Council selection to perform street sweeping services through out the City.

PUBLIC HEARING

7. Use Permit UPAV06-02, a request by Pacific Park Market and Deli to establish a 70.28 square foot Wine Tasting Area inside of the existing 2,800 square foot store, located at 27792 Aliso Creek Road, Suite B100

RESOLUTION NO. 2006 - 013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV06-02, FOR THE ESTABLISHMENT OF A 70.28 SQUARE FOOT WINE TASTING AREA WITHIN THE EXISTING 2,600 SQUARE FOOT PACIFIC PARK MARKET, LOCATED AT 27792 ALISO CREEK ROAD, SUITE #B100

Assistant Planner Ajawara gave a brief background of the staff report.

Discussion ensued regarding the hours of operation for the wine tasting and that the proposed resolution hours of operation are properly stated.

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

Discussion ensued regarding: the parameters of the Conditional Use Permit

on solicitation of flyers; the condition of solicitation being a recommendation from the DRC; the intent of the condition; the suggestion to revise the condition to include all parking areas; the regulation of flyers usually being enforced by the property association; the freedom of speech provisions; the parameters of a Conditional Use Permit when reviewing a permit involving alcohol; the revision of the Condition Number 19; the total number of occupancy; and the occupancy load being reviewed by Staff and OCFA during the tenant improvement phase.

A MOTION was made by Council Member Warkomski seconded by Council Member Phillips, to adopt a Resolution approving a request by Pacific Park Market for establishment of a 70.28 square foot Wine Tasting Area within the existing 2,800 square foot store, located at 27792 Aliso Creek Road, Suite B100 with revision of Condition Number 19 on solicitation of flyers not conducted in any parking lots in the City. Motion carried unanimously, 5-0.

8. **Public Hearing to consider Site Development Permit SDP05-11 and Conditional Use Permit UPAV06-05 to develop a 3,600 square foot Drive-Thru Restaurant (Taco Bell) with seating for 104 customers; a Site Development Permit SDP05-12 and Conditional Use Permit UPAV06-06 to develop a 13,000 square foot Drug Store (CVS) with a Drive Thru Pharmacy; Site Development Permit SDP05-13 to develop a 30,739 square foot Multi-Tenant Building for Shops and a Market and Restaurants; a Tentative Tract Map TTM16838 to establish seven Retail Commercial and Residential Lots to implement the Commons at Aliso Viejo Specific Plan**

Mayor Vali-Cave stated that the item was continued to May 3, 2006.

COUNCIL BUSINESS

9. **Master Plan of Street and Trails Amenities**

City Engineer Whitman gave a brief background from the staff report. He stated that Lori Pullman from RJM Design Group was available for questions. He stated that OCTA is recommending approval of a grant for the Master Trail Loop.

Discussion ensued regarding adding more public art features within the trails; integration into a Master Transportation Study for other available grants from OCTA; graphically depicting the blue line trail to the aquatics center; the possible pedestrian bridge to Aliso Niguel High School; the opportunity to view the Master Trail Loop before improvements during the ADA Walk; the

possibility of shifting the alignment from Enterprise to the Bluff Top Trail at Vantis; creative destination signage on the loop; the importance of landscaping; having different citrus species in the orchard; the intersection enhancements; various bus shelter examples presented but the preference being the benches drawn as a sketch; the educational component of the various features being presented; the private property issues and easements; the Master Plan of Street and Trails Amenities Plan being shared with AVCA; the alternative routes if private property was not used; the timeline of the project; the Town Center Trail along the bluff; the thematic themes of the trails; and the fine work on the Master Plan presented.

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 Council Member Ficke and seconded by Council Member Warkomski, to approve the Master Plan of Street and Trails Amenities and direct Staff to develop an implementation plan.

Discussion ensued regarding the changes desired, the request to address those concerns at the implementation plan, the reason to include the items in an addendum sheet to the Plan for future reference.

THE MOTION WAS AMENDED and agreed by the makers of the motion to revise the Trail Map of the blue loop up to the Aquatic Center and to include an addendum adding future consideration and inclusion of: public art, shifting the alignment to the Vantis trail system, destination points and signage, landscape as safety buffers, and bios walls integrated into design. The amended motion carried unanimously, 5-0.

10. Contract Extension with Charles Abbott Associates Inc. (CAA) for Fiscal Year 2006-07

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

Discussion ensued regarding if additional Code Enforcement and research on the NPDES permit process would affect the amount proposed, the estimate being the best estimate based on the level of development, the figures being based on one year, the level of service on future development projects, the contract extension being the first of two, the alternative methods of extension of this contract, and to approve the one-year extension with a negotiation of a new contract.

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 Council Member Phillips seconded by Council Member Ficke, to approve the contract extension from CAA for municipal services for Fiscal Year 2006-07 and authorize the City Manager to start negotiations of a new contract. Motion carried unanimously, 5-0.

COMMUNITY INPUT

None.

CITY MANAGER'S REPORT

City Manager Pulone reported that Staff will be meeting with AVCA Staff on the status of their projects and options for moving the restrooms forward through the public process.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

None.

Council Member Phillips

None.

Council Member Warkomski

None.

Mayor Pro Tem Adams

Mayor Pro Tem Adams stated that the Third Annual ADA Walk is on April 29. She stated that the AV-Diabeaters' goal, the City's team, is \$10,000 and encourages the public to help raise funds and awareness. She thanked Chamber President Greg Gantman on the partnership of the ADA event with the Chamber's Business & Community Expo.

Mayor Vali-Cave

Mayor Vali-Cave thanked Lt. Paddock for helping out at the Kiwanis' pancake breakfast at Grand Park.

Mayor Vali-Cave stated that she and City Manager Pulone met with Aliso Viejo Chamber of Commerce President, Greg Gantman, to discuss future plans on business development and economic development issues in Aliso Viejo.

Mayor Vali-Cave stated that she attended a meeting with Parker Properties and Pacific Life Insurance who will be consolidating their business efforts in Aliso Viejo by January of 2008.

Mayor Vali-Cave attended and presented the proclamation for Sporto Vilka Day on April 12. She stated that the Lithuanian teams lost to Aliso Viejo, probably due to going to the beach earlier that day.

Mayor Vali-Cave stated that she attended the Advocacy Meeting on telecommunications before the League of California Cities Division Meeting.

Mayor Vali-Cave stated that she, Council Member Phillips, and City Manager Pulone met with Emerald Venture Group to formalize the Management Agreement and look at the programming for the Conference Center and the Aquatic Center.

Mayor Vali-Cave reported that the Chamber's "Meet the Mayor" event at Lew Webb's was successful.

Mayor Vali-Cave stated that sponsorship of \$2500 for the AV Cup on May 19 includes a reception at Lew Webb's Auto Museum. She said that the Committee is still looking for golfers and sponsors.

Mayor Vali-Cave reported that AVCA had a Closed Session at their Board Meeting regarding the restrooms. She stated that there was a City/AVCA meeting scheduled for the week after the AVCA Closed Session to discuss items including the restrooms. She stated that based on the action taken in AVCA's Closed Session, the meeting with the City was cancelled. She wanted to report back to the Council that there was no follow-up since the last City Council Meeting.

CLOSED SESSION

At the hour of 8:33 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

At the hour of 8:53 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 8:53 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Carmen Vali-Cave
Mayor