

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
May 4, 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 7:01 p.m. on Wednesday, May 4, 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 April 29, 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.

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

Absent: None.

PLEDGE OF ALLEGIANCE

Brandon and Jonathan Balcewicz of Boy Scout Troop #700 led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Warkomski presented Certificates of Recognition for the Aliso Niguel High School Varsity Song Team 2005 for achieving first place in the National Dance Alliance Small Varsity – Team Performance, Most Innovative Choreography and the Highest Score in Category.

Assistant to the City Manager / City Clerk Robinson announced that the proclamation declaring May 2005 as Clean Air Month will be mailed.

PROCLAMATIONS PRESENTED ELSEWHERE

None.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Council Member Ficke 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 20, 2005 Adjourned Meeting (Workshop)**

Approved the Minutes as submitted.

3. **Minutes – April 20, 2005 Meeting**

Approved the Minutes as submitted.

4. **Warrants**

1. Ratified warrants for April 14, 2005 in the amount of \$198,382.84; and
2. Ratified warrants for April 21, 2005 in the amount of \$478,563.32.

5. **Treasurer’s Statement – March 2005**

Approved the March 2005 Treasurer’s Statement.

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

ORDINANCE NO. 2005 - 068

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-01 (GLENWOOD AT ALISO VIEJO), AUTHORIZING THE LEVY OF A SPECIAL TAX IN SUCH COMMUNITY FACILITIES DISTRICT

Adopted Ordinance No. 2005 – 068 Acting as the Legislative Body of Community Facilities District No. 2005-01 (Glenwood At Aliso Viejo), Authorizing the Levy of a Special Tax in such Community Facilities District.

7. **Public Safety Radio System Coverage**

ORDINANCE NO. 2005 – 072

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADDING ARTICLE 9 TO DIVISION 1 OF TITLE 7 OF THE ORANGE COUNTY CODE, AS ADOPTED BY THE CITY OF ALISO VIEJO, REGARDING PUBLIC SAFETY RADIO SYSTEM COVERAGE

Adopted Ordinance No. 2005 - 072 Regarding the Addition of Article 9 to Division 1 of Title 7 of the Orange County Code, as Adopted by the City of Aliso Viejo, Regarding Public Safety Radio System Coverage.

PUBLIC HEARING

8. **Antenna Site Development Permit ASDP04-22: A Request of AT&T Wireless to Locate Three Cellular Antennas Divided Equally in Three Sectors on a Combination Signal/Light Pole that Serves the Intersection of Pacific Park Drive and Canyon Vistas.**

Planning Director Garcia requested that this item be continued to May 18, 2005.

Discussion ensued regarding condition numbers 8 and 13, specifically the location of antenna site on the light pole and signal.

Ken Wilhoite questioned the location of the antenna site and when this item would be heard. He stated he lived near this intersection.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to continue the item to May 18, 2005. Motion carried unanimously, 5-0.

9. **Conditional Use Permit UPAV05-02 for the Establishment of a Private High School at 7 Argonaut**

RESOLUTION NO. 2005 – 030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV05-02 FOR ESTABLISHMENT OF A PRIVATE HIGH SCHOOL AT 7 ARGONAUT WITHIN THE PACIFIC PARK 1 BUSINESS PARK

Planning Director Garcia introduced Consulting Case Planner Lawrence.

Discussion ensued regarding: the fees for park usage; the review by the Development Review Committee (DRC); the time frame on the approval for the project; a six month review be conditioned for the parking; transportation of students to Iglesia Park for recreation; withdrawing the clause on the outside recreational facility; the situation that occurred at Argonaut Park in the past; adequate planning in the Business Park areas; if the site was appropriate for the use; the appropriate park usage; the approval from OCFA on the gates and turnaround area; the lock box being used; the safety issues for the children and if the gates adequately protected them; the situation with the three parking spaces near the gate and egress issues; the specific clarification of the gates, which were to be removed or added; the activities for the students during the breaks; the number of parking spaces for students; the traffic and stripping plan around the building; the specific percentage of the building to be used for indoor recreational use so that it could not be diminished in size in the future; more specifics be given on the outside recreational area in the parking lot; the spillover of parking if all spaces are taken; the tag program being used for the parking and that it was conditioned by the DRC; the outreach done to the neighboring business and property owners; dedicated parking spaces for visitors; and the actual number of parking spaces and what was listed on the plans given to Council for review and approval.

Elizabeth Archambault introduced herself as the Director of Arts and Sciences for the School. She discussed the trends in high school education, the success and philosophy at Silverleaf Academy. She referenced an article in Newsweek on teenagers and community service.

Danita Barnard, a neighboring business owner, operates a school at 1 Argonaut. She stated that she shares parking with three other businesses and that parking was an issue. She stated that the ingress and egress was difficult and mentioned that 18-wheel trucks enter the site adjacent to the entrance gate to Silverleaf. She urged Council to address the parking and traffic issues.

Bob Bunyan, representing his clients on Argonaut, spoke about his concerns and meeting with the Applicant. He addressed the T-intersection at Argonaut and Argonaut, traffic controlling and calming devices. He stated that his clients' issues were addressed and itemized those conditions.

Further discussion ensued regarding the item being continued to the next meeting, the appropriate exhibits submitted to Council, the last minute conditions being placed at the Council dais, the request for a special plan for parking and condition number 19, the plans for recreational uses, the security issues addressed, the gate and flow of traffic plan be resubmitted to Council, and a better understanding for the outside recreational area.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips, to continue this hearing to May 18, 2005 to include the additional items of concern that were addressed.

City Engineer Whitman stated he did an observation of the right turn from Argonaut to Argonaut on the extension of Golf Drive. He stated that the daily traffic study submitted was less usage than previously designed.

Further discussion ensued regarding queuing and other appropriate park in walking distance.

The motion on the floor carried unanimously, 5-0.

COUNCIL BUSINESS

10. Amendment to ETRPA Agreement

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

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

A MOTION was made by Council Member Ficke and seconded by Council Member Phillips, to authorize the Mayor to execute the Fifth Amendment to the Second Amended and Restated Agreement Creating the El Toro Reuse Planning Authority. Motion carried unanimously, 5-0.

11. Street Conditions and Levels of Maintenance

City Engineer Whitman gave a PowerPoint presentation and brief background from the staff report. He demonstrated the life of a street and how deterioration and cracking occur. He stated the Pavement Maintenance System would be updated in FY 2005-06. He mentioned that he would be

requesting an increase of street monies from \$235 per mile to \$700 per mile in FY 2005-06, which was less than the average of \$1,000 a mile. Mayor Warkowski opened the item for public testimony. There being none, Mayor Warkowski closed the item for public testimony.

Discussion ensued regarding the lifecycle on maintenance by the County, the importance of the slurry seal program as the maintenance program, the low cost of maintenance, the need to grind the street and spot repair, the cost effective traffic control program during the slurry seal process, the overall success of the 2004 Slurry Seal Program, the soil subsidence in the future, humps in the road appearing on Da Vinci and Glenwood, spot repairing, the signage done on Aliso Creek Road during the median construction, the delays southbound during the Aliso Creek Road improvement project, cracks and slurry sealing the entire project at one time, and the measured systematic approach in the slurry seal being the best process.

The consensus of the Council was to receive the report and file.

12. Request of Mayor Warkowski: Discussion for Support of AQMD Legislation on Locomotive Air Pollution

Mayor Warkowski stated that Long Beach, Seal Beach and Irvine cities voted to support AQMD legislation. He added that Council should support the entire AQMD proposal, including AB 888, AB 1222, and SB 459.

Celeste Draisner, representing Citizens for Clean Air in Northern California, discussed the dirty factory built in Shasta. She stated that air pollution affects everyone. She thanked the Council for their efforts on environmental protection.

Discussion ensued regarding the support from the Advocacy Committee of the Orange County Division of the League of California Cities, the conflict between restriction and rail usage, getting the trucks and cars off the road, that AB 1222 regulated commercial and not passenger rails, the issues with water quality mandates being paperwork and not cleaner water, the need to fix the problem, and not creating legislation which generates more reports.

The consensus of the Council was having legislation letters prepared for the Mayor's signature supporting AB 888, AB 1222, and SB 459.

COMMUNITY INPUT

Xiomara Hiller spoke on the graffiti and safety issues at Westridge Park. She stated that before AVCA formed a Task Force, the City should allow Crime Prevention Specialist Beauchamp to conduct a Crime Prevention Through Environmental Design (CPTED) review. She distributed photographs of the park to Council.

CITY MANAGER'S REPORT

City Manager Norman reported that the Landscape Median project started on Aliso Creek Road and Pacific Park. He added the stripping on the Slurry Seal Project 2004 would be completed soon, weather permitting.

City Manager Norman reported that defibrillators were installed in each police car. He stated that the removal of the Aliso Viejo Ranch gate entrance sign went smoothly and with no disruption.

Lastly, he presented Assistant to the City Manager / City Clerk Robinson the President's award on legislative procedures from her State Association.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Council Member Ficke reported that he attended the Business and Community Expo.

Council Member Adams

Council Member Adams stated she would bring information on the Clean Cities Conference in Palm Springs. She stated since there is new technology, she would like to explore the possibly of an alternative fuel shuttle through a grant funding program. She mentioned the compressed hybrid bus and other new technology on compressed gas vehicles.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave reported her attendance at the following events: Orange County Managers and Mayor's meeting in Dana Point for Mayor Warkomski; Parks and Recreation Committee meeting for Council Member Adams; and the Health Needs Assessment Breakfast. She reported that the County provides the services for children and the homeless. She desired that the City take an active watchdog role on the County and disseminated information to the public on these services.

Regarding the TCA, Mayor Pro Tem Vali-Cave stated that Foothill/Eastern has not yet responded to San Joaquin Hills' offer.

Council Member Phillips

Council Member Phillips reported that the Ad Hoc Working Group was in the process of revising the residential green ordinance.

Mayor Warkomski

Mayor Warkomski reported that AB991 (DeVore) legislation failed regarding the Vector Control Board.

CLOSED SESSION

At the hour of 9:04 p.m. the City Council recessed to Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS

Pursuant to Government Code Section 54956.95

Claimant(s): Lorraine Madden
Agency claimed against: City of Aliso Viejo

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957

Agency designated representative: Mayor
Unrepresented employee: City Manager

At the hour of 10:40 p.m. the City Council reconvened, with a quorum present.

Mayor Warkomski announced that a reportable action was taken in Closed Session.

A MOTION was made by Council Member Phillips and seconded by Council Member Ficke, to deny the claim of Lorraine Madden. Motion carried unanimously, 5-0.

ADJOURNMENT at 10:43 p.m. to May 18, 2005 at 4:30 p.m.

Submitted By:

Approved By:

Susan A. Robinson, CMC
City Clerk

Karl P. Warkomski
Mayor