

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
June 2, 2004**

CALL TO ORDER

The regular meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Phillips at 7:00 p.m. on Wednesday, June 2, 2004 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 May 28, 2004, 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

City Clerk Robinson announced that speakers' slips were available by the front door and should be given to the City Clerk.

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

Absent: None.

PLEDGE OF ALLEGIANCE

Chief of Police Services, Lt. Paddock led the Pledge of Allegiance.

Council Member Adams arrived at 7:05 p.m.

SPECIAL PRESENTATIONS

Mayor Phillips presented a Certificate of Recognition to Girl Scout Divya Shenoy for earning the Gold Star. Divya Shenoy explained her project and shared her experiences in teaching tennis to children.

Lt. Paddock expressed his appreciation and Mayor Phillips presented a Certificate of Appreciation to OCSD Deputy Lisa Von Norheim. Deputy Von Norheim thanked the City for the success she was given during her tenure while working with the City. Mayor Phillips, with the assistance of the Tournament Chair and Council Member Vali-Cave, presented Certificates of Recognition to Committee Members and

volunteers for making the First Annual Aliso Viejo Golf Cup Tournament a success.

Mayor Phillips was presented a tile plaque recognizing the City's sponsorship for the Saddleback Foundation Memorial Half Marathon Run.

PROCLAMATIONS PRESENTED ELSEWHERE

None.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Council Member Vali-Cave and seconded by Council Member Ficke, to approve the Consent Calendar. 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. **Warrants**

1. Ratified warrants for May 13, 2004 in the amount of \$157,312.03; and
2. Ratified warrants for May 20, 2004 in the amount of \$98,748.03.

3. **Treasurer's Statement – April 2004**

Approved the April 2004 Treasurer's Statement.

4. **Animal Waste Ordinance**

ORDINANCE NO. 2004 – 059

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING SECTION 4-1-50 OF THE ORANGE COUNTY CODE AS ADOPTED BY THE CITY OF ALISO VIEJO

Adopted Ordinance No. 2004 - 059 amending Section 4-1-50 of the Orange County Code as adopted by the City of Aliso Viejo.

5. **Prohibition of Expanded Polystyrene Food Service Products within City Facilities and at Special Events in the City of Aliso Viejo**

ORDINANCE NO. 2004 – 060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, PROHIBITING THE USE OF EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS WITHIN CITY FACILITIES AND AT SPECIAL EVENTS

Adopted Ordinance No. 2004 - 060 prohibiting the use of expanded polystyrene food service products within City Facilities and at Special Events.

6. Ambulance Services Ordinance

ORDINANCE NO. 2004 – 061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REPEALING DIVISION 9 OF TITLE 4 OF THE ORANGE COUNTY CODE AS ADOPTED BY THE CITY OF ALISO VIEJO AND ADOPTING A NEW AND REVISED DIVISION 9 ESTABLISHING NEW GENERAL OPERATING PROCEDURES AND STANDARDS FOR AMBULANCE TRANSPORTATION SERVICES WITHIN THE CITY

Adopted Ordinance No. 2004 – 061 repealing Division 9 of Title 4 of the Orange County Code as adopted by the City of Aliso Viejo and adopting a new and revised Division 9 establishing new general operating procedures and standards for ambulance transportation services within the City.

7. CEQA Guidelines Update

RESOLUTION NO. 2004 - 027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Adopted Resolution No. 2004-027, amending and adopting the Local Guidelines for implementing the California Environmental Quality Act (CEQA).

SPECIAL PRESENTATIONS

Bob Buynan, President of the Aliso Viejo Community Foundation, presented a check for the net proceeds from the First Annual Aliso Viejo Golf Cup Tournament. Mayor Phillips accepted on behalf of the Family Resource Center a check in the amount of \$43,114. Bob Buynan also presented a check in the amount of \$5,389 to Aliso Viejo Kiwanis Club President Rob Lubnau and mentioned that the Aliso Viejo Community

Foundation will also receive a check in the same amount. He added that next year's tournament would be on June 3, 2005.

PUBLIC HEARING

None.

COUNCIL BUSINESS

8. Adoption of the Proposed Annual Budget FY 2004-2005

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

Discussion ensued regarding the financial planning involved for the Unreserved Fund Balance in Year 8 when State subventions would be reduced.

A MOTION was made by Council Member Ficke, seconded by Council Member Vali-Cave, to adopt the City's Annual Budget for Fiscal Year 2004-2005. Motion carried unanimously, 5-0.

9. Consideration of Fourth Amendment to Agreement with the Saddleback Valley Unified School District with Recreation Services for Fiscal Year 2004-05

City Manager Norman gave a brief background from the staff report. He stated that there was an amendment to the agreement where Saddleback Valley Unified School District has the right to replace employees at their discretion.

A MOTION was made by Council Member Vali-Cave, seconded by Council Member Adams, to execute the fourth amendment to the Recreation and Community Services Agreement with Saddleback Valley Unified School District (SVUSD). Motion carried unanimously, 5-0.

10. Bond Release of Ridgecrest Park, Tract Number 13590, Grading and Landscaping Bonds

City Engineer Whitman gave a brief background from the staff report, commending the joint efforts of Shea Properties, AVCA and the City.

Discussion ensued regarding urban runoff, drainage ditch filters, design of the park, modification of the plans, reclaimed water used for irrigation, requirements for landscape irrigation, permits needed for reclaimed water, the role of Moulton Niguel Water District, bacteria, vendor rights, violations, dueling policies, educational efforts, what improvements were made,

completion of items on the plans and the required bonds.

A MOTION was made by Council Member Ficke, seconded by Council Member Vali-Cave, to release the Ridgecrest Park Grading Permit Surety Bond Number 00-286-324 in the amount of \$195,158 and Landscaping Surety Bond, Number 00-290-157 in the amount of \$454,200. Motion carried unanimously, 5-0.

11. **Resolution prohibiting Vehicular Parking in Designated Bikeways within the City of Aliso Viejo with the Exception of Specifically Designated Sections**

RESOLUTION NO. 2004 – 028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, PROHIBITING VEHICULAR PARKING IN DESIGNATED BIKEWAYS WITHIN THE CITY OF ALISO VIEJO WITH THE EXCEPTION OF SPECIFICALLY DESIGNATED SECTIONS

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

Discussion ensued regarding modified hours for parking, bikeway connection from Aliso Creek Road to El Toro, if there would be any impact at Calle Corte, the exemption of bikeway path from Glenwood to Aliso Creek Parkway, width of the road, parking at Argonaut Park, lacking of parking at Wingspan Park, Master Bikeway Plan amendments, gaps in bikeway path and connectivity to Town Center.

Dick Fisher, representing Cosmos' Italian Kitchen, made the suggestion to change the parking hours from 11:00 a.m. to 11:00 p.m. He added that parking has been allowed on Aliso Creek Road for some time.

This item was continued to the next Council Meeting.

COMMUNITY INPUT

Dave Panish asked if speakers have to be a resident of Aliso Viejo. He also asked about the notification process on projects. He stated his concern for public comment period on the Aliso Viejo Ranch Site. He added that both his neighbors' property went on the real estate market recently.

CITY MANAGER'S REPORT

City Manager Norman reported that Pasta Pomodoro submitted their revised tenant improvement plans. He added that Ritz Camera would be occupying the site where Relax the Back was previous located.

City Manager Norman stated there have been two inquiries regarding condominium conversions from apartment units. He added that Staff had concerns about structural deficiencies and affordable housing issues.

City Manager Norman also reported there would be a staff report to place the GANN Appropriation Limit on the November ballot. He added that this was not a new tax, but recognition on how taxes were used.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Vali-Cave

Council Member Vali-Cave stated that the TCA Operations and Finance Committee met yesterday to discuss the aftermath following the lack of a merger and that policy decisions need to be made. The Budget will be forwarded to the TCA Board on Thursday.

Mayor Pro Tem Warkomski

Mayor Pro Tem Warkomski attended the groundbreaking of the Nature Center in Laguna Canyon and stated construction would start by the end of the year.

Mayor Pro Tem Warkomski added that the Laguna Canyon is home to a new zeriscape drought tolerant nursery that is owned by an Aliso Viejo resident.

Council Member Adams

Council Member Adams stated ETPRA met Thursday. The City's contribution is estimated to be \$35,000. ETPRA is winding down efforts and existing lawsuits should be settled after selling parcels this summer.

Council Member Adams stated that OCFA met on May 27 for their preliminary workshop. She stated that the Budget should be approved on June 24 and mentioned that there were slight increases from last year.

Council Member Ficke

Council Member Ficke thanked the Mayor for hosting 140 students from Don Avila Elementary School at City Hall.

Council Member Ficke attended the 10th anniversary for Wood Canyon and reiterated his satisfaction that funds in this year's budget were allocated for an interactive sign by the school.

Mayor Pro Tem Warkomski

Mayor Pro Tem Warkomski attended the Great Park Symposium meeting who was requesting input from cities. He referenced Central Park and the efforts in coordinating community input.

Mayor Phillips

Mayor Phillips thanked everyone for their support for the Saddleback Foundation Memorial Half Marathon Run.

Mayor Phillips asked Staff to address Dave Panish's questions. City Attorney Smith stated the best way to be noticed was to provide information to the City Clerk. He added that there would be preliminary meetings with the Gabrielson Family Foundation discussing the types of uses. The CEQA process will not start until the Initial Study is submitted. At that time, there was a 45-day notification period for CEQA review. He reiterated the best process for notification purposes was to submit self-addressed stamped envelopes to the City Clerk. Mayor Phillips questioned the radius around the project for mail notification. City Attorney Smith responded that the radius depended on the land use entitlement.

Mayor Phillips questioned the City policy regarding speakers. City Attorney Smith stated that both he and the City Manager did not know of a specific City policy in force and added that municipalities cannot force someone to give their address or residency. City Manager Norman stated that recently there was a record request for speaker slip information. The City disclosed the names of the speakers, but not their addresses due to privacy issues.

CLOSED SESSION

At the hour of 8:11 p.m. the City Council recessed to Closed Session regarding:

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957

Agency designated representative:	Mayor
Unrepresented employee:	City Manager

At the hour of 8:25 p.m. the City Council reconvened, with all Council Members present.

City Attorney Smith announced that Council approved an amendment to the employment agreement between the City of Aliso Viejo and David J. Norman.

ADJOURNMENT at 8:26 p.m.

Submitted By:

Approved By:

Susan A. Robinson, CMC
City Clerk

William A. Phillips
Mayor