

**ALISO VIEJO MINUTES  
CITY COUNCIL REGULAR MEETING  
June 15, 2005**

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**CALL TO ORDER**

The regular meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Warkomski at 7:03 p.m. on Wednesday, June 15, 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 June 9, 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**

Debbie Kimball led the Pledge of Allegiance.

**SPECIAL PRESENTATIONS**

Mayor Warkomski presented Certificates of Recognition to the Aliso Niguel High School Boy's Varsity Track Team 2005 for achieving first place in the Sea View League Championships. Coach Vido Butler described the team's accomplishments.

Mayor Warkomski presented Certificates of Recognition to the Aliso Niguel High School Girl's Varsity Track Team 2005 for achieving first place in the Orange County Track and Field Championships and first place in the Sea View League Championships. Coach Stacey Middlebrook stated that the team had an incredible

three years as Sea View League Champions and placed first this year in the County.

AVCA Board Member Hiller described the structure of AVCA and the significant roles of Mariyn Walczak and Cynthia Alexander. Mayor Warkomski presented the framed proclamations recognizing outgoing AVCA General Manager Marilyn Walczak and AVCA Manager of Recreation Services Cynthia Alexander. Cynthia Alexander thanked Council for the recognition. Marilyn Walczak stated it was a pleasure to work in this community and thanked the Council and volunteers for their assistance.

Bob Govi of Safeco Company gave a presentation regarding the grant fund commitment of \$10,000 for tennis, softball, and soccer improvements at Iglesia Park.

Gerald Goehart, Representative of Orange County Vector Control District, distributed information on the West Nile Virus. He stated the main symptoms were dead birds and stagnant pools of water for breeding of mosquitoes. He mentioned the success of the Fire Ant program. Lastly, he introduced Debbie Kimball as the Aliso Viejo representative for the Orange County Vector Control District.

#### **PROCLAMATIONS PRESENTED ELSEWHERE**

Assistant to the City Manager/City Clerk Robinson stated the following recognitions were presented elsewhere: Certificate of Recognition to Eagle Scout Brad Forsyth; Certificate of Commendation to Helmi Kaupla on her 100-year birthday; Certificates of Recognition to Aliso Niguel High School's Baseball Team 2005 for achieving first place in the Sea View League; and Certificates of Recognition to Aliso Niguel High School's Softball Team 2005 for achieving first place in the Sea View League.

#### **ADDITIONS, DELETIONS, REORDERING TO THE AGENDA**

None.

#### **CONSENT CALENDAR**

Mayor Pro Tem Vali-Cave removed Item Number 5, Investment Policy, from the Consent Calendar.

**A MOTION** was made by Council Member Phillips and seconded by Council Member Adams, to approve the Consent Calendar as described below with the exception of Item Number 5, Investment Policy. 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 – June 1, 2005 Special Meeting**

Approved the Minutes as submitted.

3. **Minutes – June 1, 2005 Meeting**

Approved the Minutes as submitted.

4. **Warrants**

Ratified warrants for May 26, 2005 in the amount of \$171,921.16.

6. **City Acceptance of Various Completion Reports for Tracts 15751, 15760 and 15963 (Shea Properties)**

RESOLUTION NO. 2005 – 037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA ACCEPTING THE VARIOUS PUBLIC STREETS AND OTHER IMPROVEMENTS AND CONCURRING WITH EXONERATING THE VARIOUS BONDS ASSOCIATED WITH TRACTS 15751, 15760, AND 15963

Adopted Resolution No. 2005 – 037, accepting the various public and private streets and other improvements and concurring with exonerating the various bonds.

**REMOVED FROM CONSENT CALENDAR**

5. **Investment Policy**

RESOLUTION NO. 2005 - 036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REPEALING RESOLUTION NO. 2004 - 024, AND ADOPTING AN INVESTMENT POLICY FOR FISCAL YEAR 2005-06

Mayor Pro Tem Vali-Cave questioned the amendments to the Investment Policy, and, if being none, suggested the wording in the staff report be reflected properly. She questioned the need to readopt the Policy annually.

**A MOTION** was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to adopt Resolution No. 2005 - 036, which adopts

the Investment Policy for Fiscal Year 2005-06 and rescinds Resolution No. 2004 - 024 in its entirety. Motion carried unanimously, 5-0.

## **PUBLIC HEARING**

### **7. Vacation of Public Service Easements for Glenwood Development**

RESOLUTION NO. 2005 – 038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DECLARING THAT CERTAIN PUBLIC SERVICE EASEMENTS WITHIN THE GLENWOOD AT ALISO VIEJO SPECIFIC PLAN ARE UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE AND VACATING THE SAME PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ.

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

Discussion ensued regarding if changes were made to reflect the Specific Plan, if the wording presented in the agenda item matches exactly to the last agenda item, a map be included in the agenda item, the scenic easement, the release of the scenic easement from the County, and the need to have reduce sized maps included in the agenda package.

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

**A MOTION** was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips, to adopt Resolution No. 2005 – 038 declaring that certain public service easements within the Glenwood at Aliso Viejo Specific Plan are unnecessary for present or prospective public use and vacating the same pursuant to California Streets and Highways Code Section 8300 et seq. Motion carried unanimously, 5-0.

### **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.**

Council Member Ficke announced that although he did not have a conflict with the economic interest parameters, he mentioned that he does work with the Consultant and therefore recused himself from this item.

Council Member Ficke left the dais at 7:35 p.m.

Planning Director Garcia stated the reason for removing the item.

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

**COUNCIL DIRECTED STAFF** to remove the item. There being no objection, the direction carried through acclamation. Council Member Ficke was absent during the hearing of this item.

Council Member Ficke returned to the dais at 7:37 p.m.

## **COUNCIL BUSINESS**

### **9. Resolution Designating AVCA Parks**

RESOLUTION NO. 2005 – 039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADDING CERTAIN PRIVATELY OWNED PARKS TO THE LIST OF PARKS THAT THE SHERIFF MAY PATROL IN THE CITY OF ALISO VIEJO.

Chief of Police Services Lieutenant Rich Paddock gave a brief background from the staff report.

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 Ficke and seconded by Council Member Phillips, to adopt Resolution No. 2005 – 039, adding certain privately owned parks to the list of parks that the Sheriff may patrol in the City of Aliso Viejo. Motion carried unanimously, 5-0.

### **10. AVTV Operations and Programming Policy**

Administrative Services Supervisor Murray gave a brief background from the staff report.

Discussion ensued regarding the broadcasting of City Council meetings and its costs, the use of e.g. versus i.e., the possibility of an appeal process to Council, the definition of “commercial,” state of the art definition of “commercial programming,” the broad definition of “obscenity,” the specifics defining obscenity in zoning regulations, the definition of “obscenity” as listed

in the adult business ordinance, the definition of “mature themes,” definitions on “incumbent” and “declaring candidacy,” contributions from residents, policy being written for use with examples for the use of the policy to limit interpretation problems, a policy for candidate forums, a list of allowable outdoor programming, a list of criteria checklist, the language of policy seemingly subjective, a checklist criteria for the alphanumeric bulletin board, a hierarchy of programming, suitability and compliance as determined by staff without guidelines, cross training of staff needed, a developed implementation policy, redefining the meaning of “staff availability,” policy on airtime and the requester, the determination of program, emergency procedures as determined by the City Council, definition of “cover shot,” a list of definitions, the definition of “public meeting” being too subjective and needs criteria, the “inducements to buy” phase, the example of an item to be purchased, vagueness in records retention of tapes and the ability to purchase, possible litigation, the instructions on copywritten information, information from COMET, non-copywritten material, examples of copywritten material, and time delay on live broadcasts.

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

Further discussion ensued regarding common sense and interpretation on the limited use of this particular channel, various types of channels available for governmental or public access, and the emergency programming with Council approval.

**COUNCIL DIRECTED STAFF** to revise the Policy with the following items: removing subjective language, creating a criteria list, adding Council on the authorized list regarding emergency procedures, making editing criteria more objective, doing cross training of staff, and adding in the clause for time delays on live broadcast for the future. The item was referred back to the Ad Hoc Working Group prior to Council review and approval. There being no objection, the direction carried through acclamation.

## **11. Appointments to Ad Hoc Working Groups**

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

Volunteers for the Ad Hoc Working Group were requested. Council Member Ficke and Mayor Warkowski volunteered to participate on the “Citizen of the Year” Ad Hoc Working Group. Council Members Adams and Phillips volunteered to participate on the “Signature Event” Ad Hoc Working Group.

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 Adams and seconded by Council Member Phillips, to appoint Council Member Ficke and Mayor Warkowski to the "Citizen of the Year" Ad Hoc Working Group; and Council Members Adams and Phillips to the "Signature Event" Ad Hoc Working Group. Motion carried unanimously, 5-0.

**12. Request of Council Member Adams: Discussion of Ex-Officio Participation on the AVCA Parks and Recreation Committee**

Council Member Adams gave a brief background of her agenda item.

Discussion ensued regarding the success of working in the Ad Hoc meetings, the transition of AVCA management, the review of the Charter and AVCA structure, the ability for AVCA management to work with City Staff, the success of the Ad Hoc Working Group, and the recommendation of suspension of the Ex-Officio position on the Parks and Recreation Committee.

Mark Hiller encouraged the Council to stay in touch, even if it was just audience participation. He suggested waiting until the Committee meets after August and after the review of AVCA's policies.

Further discussion ensued regarding the temporary suspension, the Council direction on their participation, the restated the Vision and reason for the Ex-Officio position, the AVCA structure to maintain the parks, the access of specific funds as a non-profit organization, the ability to apply for grants, the importance of maintaining a seat on the Committee, the encouragement to continue participation, the reevaluation by Council after September, the need to have participation at the Committee level, the Ad Hoc structure, the communication with AVCA management on matters of importance, and the structure of the committees in the future.

**A MOTION** was made by Council Member Adams and seconded by Council Member Ficke, to temporarily suspend the Ex-Officio position at the AVCA Parks and Recreation Committee until September's meeting and direct staff to write a letter to AVCA regarding this motion. Motion carried, 4-1 with Mayor Pro Tem Vali-Cave dissenting.

**COMMUNITY INPUT**

There were no speakers.

## **CITY MANAGER'S REPORT**

City Manager Norman reported on the letter received from International City/County Management Association (ICMA) awarding the City the 2005 Program of Excellence Award for Cooperative Partnerships on the Kid's Town and Fun Zone programs at the FRC.

City Manager Norman reported on the status of the median construction, which was scheduled for completion by July 2, 2005.

## **ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES**

### **Council Member Ficke**

Council Member Ficke stated he attended the American Cancer Relay for Life event last week.

### **Council Member Adams**

Council Member Adams stated she attended the League of California Cities Orange County Division's presentation from Sempra. She added that there were no reportable actions taken from the Government and Finance Committee.

Council Member Adams questioned if there was an ordinance on riding pocket bikes on city streets. Chief of Police Services Lieutenant Paddock stated that those bikes were illegal and urged a service call be placed.

### **Mayor Warkomski**

Mayor Warkomski stated the fourth annual Relay for Life was a success. He thanked the volunteers and press for coverage of the event.

Mayor Warkomski stated he attended the League of California Cities Orange County Division presentation on liquefied gas.

Mayor Warkomski reported that he would be attending the Aliso Niguel High School graduation and dunking booth as their fundraiser, as well as attending the Vector Control District meeting.

### **Mayor Pro Tem Vali-Cave**

Mayor Pro Tem Vali-Cave reported that Aliso Commons met regarding sign monumentation.

Mayor Pro Tem Vali-Cave stated the second annual Aliso Viejo Golf Cup was a success and raised \$41,000 in proceeds, adding that 10% will go to both the Aliso Viejo Kiwanis and Aliso Viejo Community Foundation. She reported the winners of the various competitions: First Place Team: Charles Abbott Associates; Second Place Team: Saddleback Hospital Foundation; Women's Closest to the Pin: Mimi Wentz; Men's Closest to the Pin: Gary Flynn; Women's Longest Drive: April Jackson; Men's Longest Drive: Vic Memenas; and Putting Contest: Hugo Folli. She thanked the many volunteers and sponsors for making this event possible.

**Council Member Phillips**

Council Member Phillips commended the Committee on a good golf tournament. He mentioned that the Board of Directors for MemorialCare was looking at Aliso Viejo as it becomes a community for an aging population.

**CLOSED SESSION**

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

At the hour of 8:55 p.m. the City Council recessed to Closed Session regarding:

**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a)

Name of Case(s):

Lorraine Madden v. Liping Chuang, et al (Case No. 04CC11902)

At the hour of 9:35 p.m. the City Council reconvened, with all Council Members present.

Mayor Warkowski announced that there were no reportable actions taken in Closed Session.

**ADJOURNMENT** at 9:36 p.m.

Submitted By:

Approved By:

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Susan Robinson, CMC  
City Clerk

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Karl P. Warkomski  
Mayor