

**ALISO VIEJO MINUTES  
CITY COUNCIL REGULAR MEETING  
July 19, 2006**

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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 Vali-Cave at 7:02 p.m. on Wednesday, July 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 July 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**

OCFA Division Chief Mark Kramer 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. Warkomski

Absent: None

**SPECIAL PRESENTATIONS**

Mayor Vali-Cave requested City Manager Pulone to introduce OCFA Division Chief Mark Kramer. Division Chief Kramer stated that OCFA created a new Division and had reassigned Division Chief Vadala. He also mentioned that he attended some of the Staff meetings and enjoys working in the City of Aliso Viejo. Division Chief Kramer introduced Captain Jeff Genoway.

Mayor Vali-Cave requested Chief of Police Services Lt. Paddock describe the City's first Citizen Disaster Preparedness Academy. Mayor Vali-Cave presented Certificates of Appreciation to Greg Gantman and Cory Osburn representing Doctor's Ambulance for their sponsorship of the Academy. Mayor Vali-Cave thanked Doctor's Ambulance for their ongoing community support.

Mayor Vali-Cave and Chief of Police Services Lt. Paddock presented Certificates of Appreciation to the graduating class of the City's Citizen Disaster Preparedness Academy One. Ray de Leon presented a montage of pictures from the Academy. Chief of Police Services Lt. Paddock explained the Academy's curriculum and the instructors. He also thanked the sponsors of the pilot program.

Mayor Vali-Cave requested Greg Gantman, President of the Aliso Viejo Chamber of Commerce, address the Council. He thanked the Council and Staff for their partnership with the Chamber. Mr. Gantman gave a presentation on Aliso Viejo Chamber's activities and events for FY 2006-07 and showed the DVD of the Business and Community Expo for 2006.

### **PROCLAMATIONS PRESENTED ELSEWHERE**

Mayor Vali-Cave stated the Proclamation declaring July 8, 2006 as "A Day to Play Ball!" was presented at the event as a celebration of Safeco's donation of a new scoreboard.

Mayor Vali-Cave stated that Community Services Assistant Velvet Sloan was presented her Certificate of Appreciation for her services to the City during her going away party at the Family Resource Center.

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

Mayor Vali-Cave stated that the Ordinance to consider revisions to the Conditional Uses was noticed for tonight, but was re-noticed for August 2, 2006 and would be heard at that time.

### **CONSENT CALENDAR**

**A MOTION** was made by Council Member Phillips and seconded by Council Member Ficke, to approve the Consent Calendar as described below with the exception of Item Number 10, 2006 General Municipal Election Resolutions. Motion carried unanimously, 5-0 with Council Member Ficke abstaining from Item Number 3, Minutes – June 21, 2006 Adjourned Regular Meeting, and Item Number 4, Minutes – June 21, 2006 Adjourned Regular Meeting.

#### **1. Waive the Reading of All Ordinances**

Waived the reading of all Ordinances in their entirety and read by title only.

2. **Minutes – May 3, 2006 Meeting**

Approved the Minutes as submitted.

3. **Minutes – June 21, 2006 Adjourned Regular Meeting**

Approved the Minutes as submitted.

4. **Minutes – June 21, 2006 Meeting**

Approved the Minutes as submitted.

5. **Warrants**

1. Ratified warrants issued June 15, 2006, in the amount of \$105,972.06;
2. Ratified warrants issued June 22, 2006, in the amount of \$82,746.62; and
3. Ratified warrants issued June 29, 2006, in the amount of \$1,323,945.60.

6. **Treasurer’s Statement – May 2006**

Approved the May 2006 Treasurer’s Statement.

7. **Authorized Signatories for Local Agency Investment Fund (LAIF)**

RESOLUTION NO. 2006 - 027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND RESCIND RESOLUTION NO. 2003 - 016

Adopted Resolution No. 2006 - 027 updating the Designated Authorized signatories for the Local Agency Investment Fund and rescind Resolution No. 2003 - 016.

8. **Aliso Creek Watershed Agreement No. D04-050**

Approved payment of \$33,991 to the County of Orange as the City of Aliso Viejo’s share of the program costs to Fund Bacteriological Monitoring, Reporting, Research and Studies in the Aliso Creek Watershed for FY 2006-07 (Agreement No. D04-050).

9. **Establishment of Prima Facie Speed Limits throughout the City – Ordinance and Resolution**

ORDINANCE NO. 2006 – 083

AN ORDINANCE OF THE CITY OF ALISO VIEJO, STATE OF CALIFORNIA, TO ESTABLISH THE PRIMA FACIE SPEED LIMITS ON CERTAIN STREET SEGMENTS THROUGHOUT THE CITY OF ALISO VIEJO

RESOLUTION NO. 2006 - 028

A RESOLUTION OF THE CITY COUNCIL OF ALISO VIEJO, STATE OF CALIFORNIA, REPEALING CERTAIN PREVIOUS RESOLUTIONS ESTABLISHING PRIMA FACIE SPEED LIMITS ON CERTAIN STREET SEGMENTS THROUGHOUT THE CITY

Adopted Ordinance No. 2006 – 083 establishing prima facie speed limits on certain street segments throughout the City and adopted Resolution No. 2006 – 028 repealing previous resolutions establishing prima facie speed limits.

**REMOVED FROM THE CONSENT CALENDAR**

10. **2006 General Municipal Election Resolutions**

RESOLUTION NO. 2006 - 029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

RESOLUTION NO. 2006 - 030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH OTHER ELECTIONS TO BE HELD ON TUESDAY, NOVEMBER 7, 2006 AND TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF THE ELECTION

RESOLUTION NO. 2006 - 031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006

Mayor Vali-Cave pulled this item to question the language on the proposed resolution for Candidates' Statement. Assistant to the City Manager/City Clerk Robinson stated the changes from last year and noted a correction to make to the language.

**A MOTION** was made by Council Member Phillips and seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2006 – 029 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 7, 2006, for the Election of Certain Officers as required by the provisions of the Laws of the State of California relating to General Law; to adopt Resolution No. 2006 – 030 requesting the Orange County Board of Supervisors to consolidate the General Municipal Election with other Elections to be held on Tuesday, November 7, 2006 and to render specified services to the City relating to the conduct of the Election; and to adopt Resolution No. 2006 – 031 on Regulations for candidates for Elective Office pertaining to Candidates Statements submitted to the Voters at an Election to be held on Tuesday, November 7, 2006, as amended. Motion carried unanimously, 5-0.

**PUBLIC HEARING**

11. **Public Hearing to consider Conditional Use Permit UPAV06-04 for a proposed Neuromuscular and Therapeutic Massage Establishment at 26852 La Paz Road in the Aliso Viejo Plaza Retail Center**

RESOLUTION NO. 2006 - 032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV06-04 FOR A NEUROMUSCULAR AND THERAPEUTIC MASSAGE ESTABLISHMENT AT 26852 LA PAZ ROAD WITHIN ALISO VIEJO PLAZA RETAIL CENTER

Planning Director Garcia gave a brief background from the staff report. Applicant Rich Ratkelis highlighted the massage industry and the business use of Massage Envy.

Discussion ensued regarding whether the conditional use is retained by the owner and not the land, the hearing officer for the City on revocation of a conditional use permit, the hearing officer being a third party to the City, the conditional use permit being transferred to another with the same standards as the proposed use, the condition numbers 33 and 46 regarding the regulation of the medical history and inspections, the applicant's requirement to post a notice after a violation has occurred, concerns about disclosure of medical history on records, disclosure to the patrons that a violation has occurred, the typical cause for a violation, the recommendation that the medical records be separated from the rest of the file, the HIPPA requirement, and alternate language for condition number 33.

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 Mayor Pro Tem Adams and seconded by Council Member Phillips, to adopt Resolution No. 2006 - 032 approving Conditional Use Permit UPAV06-04 subject to conditions of approval, as amended and incorporated by reference in Resolution No. 2006 - 032. Motion carried unanimously, 5-0.

12. **Site Development Permit SDP06-06, a Request to develop a Nine-Story 242,092 sq. ft. Office Building and Six-Level Parking Structure for 1,076 automobiles at 45 and 55 Enterprise as Summit Phase 6, an Addendum to the Final Environmental Impact Report for the General Plan adopted on April 21, 2004, and Final Environmental Impact Report No. 088, Subsequent Addendums and Initial Studies (IS) 93-103, 95-114, 96-148, 97-032, 97-044**

RESOLUTION NO. 2006 - 033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT SDP06-06, A REQUEST TO DEVELOP A NINE-STORY 242,092 SQ. FT. OFFICE BUILDING AND SIX-LEVEL PARKING STRUCTURE FOR 1,116 AUTOMOBILES AT 45 AND 55 ENTERPRISE AS SUMMIT PHASE 6, AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN ADOPTED ON APRIL 21, 2004, AND FINAL ENVIRONMENTAL IMPACT REPORT NO. 088, SUBSEQUENT ADDENDUMS AND INITIAL STUDIES (IS) 93-103, 95-114, 96-148, 97-032, 97-044

Consulting Planner Loftus gave a brief background from the staff report and the revisions to the proposed conditions after meeting with the Applicant. He stated that Council must decide on the request by the Applicant on the condition reducing the drive isles to 24 feet in the parking structure.

Applicant Bob Bunyan made a presentation on the Pacific Life Building. He addressed the Land Use Policies as it relates to the proposed building. He gave an overview of the Summit Office Park and its phases.

Applicant Russ Parker described the working relationship with Pacific Life Insurance and the planning process. He stated that he was excited that Pacific Life chose Aliso Viejo and Summit Office Campus. He gave a brief overview of the various phases and the tenants of the various office buildings. He presented the schematic drawings of the proposed building and addressed the architectural design to show its uniqueness. He addressed the landscape plan and utilizing the topography and view sheds in the design of the building.

Applicant Bob Bunyan displayed photo simulations to depict the skyline and massing on the proposed building and distributed color photos of the same.

John Mulvihill representing Pacific Life addressed the reasons why Pacific Life chose the City of Aliso Viejo. He stated the quality of life, the convenient location for its current employees, and the warm assistance from Council and City Staff.

Discussion ensued regarding the circulation element of the project, the parking structure, traffic ingress and egress, the road adjacent to the building, the specification of trees to be placed on Aliso Creek Road, a subsequent landscape plan to be submitted, that the landscape plan meet the Council's high level of expectation, the possible downturn of the economy and the entire final phase not being completed as presented, the reflection issues of the glass on the south side of the building, the glass curvilinear structure, that night lighting will not be beacon lighting, that there would be no greenery on top of the parking structure due to the watering issues, the future corner being acknowledged, the review conducted by OCFA, the shadow line and rear set glazing on the building, clarification on the conditions, the specific trees chosen for various areas on the property, the bicycle amenities and usage by Pacific Life employees, the condition that utility boxes not be located on the street, if there will be on-site car washing, the height of the bushes, the 24 feet wide drive isles, the parking design standards as explained by Don Marks representing International Parking Design, the request by the City Engineer that the drive isles be 26 feet wide, the cost differential of 2 feet when using columns, the previous phases being 24 feet wide drive isle that works well as represented by Mike Pace of Panun, the specific widths and lengths of vehicles, and that no designated compact car parking spaces were created.

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 modifications from Staff on condition numbers 15 and 16, the acceptance of a 24 feet wide driving isle, and the modifications provided by Staff on the revised conditions submitted at the dais, the proposed landscape plan, the parking structure being located on the corner of the street, the possibility of switching the buildings for better presentation, if the FAA would require emergency lighting on the helipad, and that water quality issues are addressed.

**A MOTION** was made by Mayor Pro Tem Adams and seconded by Council Member Ficke, to adopt Resolution No. 2006 – 033 approving Site Development Permit SDP06-06 to develop a nine-story 242,092 sq. ft. office building and a six-level parking structure; and an addendum to the City of Aliso Viejo General Plan EIR and Aliso Viejo Planned Community Plan of the Orange County General Plan FEIR 088 and subsequent addendums, as amended and incorporated by reference in Resolution No. 2006 - 032. Motion carried unanimously, 5-0.

Council recessed at 9:22 p.m.

Council reconvened at 9:36 p.m. with all Council Members present except for Council Member Phillips.

Council Member Phillips arrived at the dais at 9:37 p.m.

## **COUNCIL BUSINESS**

### **13. Follow Up to July 5 Workshop with AVCA regarding placement of Restroom facilities**

City Manager Pulone provided an update of the processing of applications for the restrooms in the parks. He stated that Site Development Permit applications were submitted for the locations of Pinewood Park and Foxborough Park. The letter reflected that the restrooms being stored were going to be moved to the Aliso Ranch Site on July 28<sup>th</sup>. A schedule was presented by AVCA after working with Staff. Staff reviewed the application and it appeared to be complete and the application will be expedited to the DRC for a public hearing.

Discussion ensued regarding the court abatement process if restrooms were not removed by July 28<sup>th</sup>, the direction to Counsel on future action to be taken in Closed Session, the public notification process, the radius map provided by AVCA, and the appreciation of the AVCA Board and Staff for their communication with the City.

The Council recessed at 9:47 p.m. to meet as the Public Facilities Corporation and reconvened to Council matters at 10:07 p.m. with all Council Members present.

**14. 2006 Certificates of Participation (City Hall Acquisition)**

RESOLUTION NO. 2006 - 034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AUTHORIZING THE ISSUANCE AND SALE OF ITS 2006 CERTIFICATES OF PARTICIPATION, AUTHORIZING EXECUTION AND DELIVERY BY THE CITY OF A LEASE AGREEMENT, A TRUST AGREEMENT, APPROVING A PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT AND THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH CERTIFICATES OF PARTICIPATION, APPOINTING A TRUSTEE AND MAKING OTHER FINDINGS RELATING THERETO

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 Mayor Pro Tem Adams and seconded by Council Member Ficke, to adopt Resolution No. 2006 – 034 authorizing the issuance and sale of its 2006 Certificates of Participation, authorizing execution and delivery by the City of a Lease Agreement, a Trust Agreement, approving a Purchase Agreement and a Continuing Disclosure Agreement and the preparation and delivery of a Preliminary Official Statement and Final Official Statement with respect to the issuance and sale of such Certificates of Participation, appointing a Trustee and making other findings relating thereto. Motion carried unanimously, 5-0.

**COMMUNITY INPUT**

None.

**CITY MANAGER'S REPORT**

City Manager Pulone introduced Glenn Yasui as the City's new Administrative Services Manager who will be starting tomorrow.

## **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 she will be attending the OCFA Annual Open House for the OCFA Board. She mentioned that a new Chair and Vice Chair for the OCFA Board will be appointed.

### **Mayor Vali-Cave**

Mayor Vali-Cave questioned the status of the Citizen of the Year program. She wanted to have a Senior of the Year nominated for the upcoming Senior Prom. She was chairing the program and wanted to have a nominee. She stated that the Ad Hoc Working Group was formed over 14 months ago and wanted the item to be placed on the next agenda. It was agreed that the item would be placed on the August 16 agenda.

Mayor Vali-Cave reported that the TCA has received lawsuits regarding the 241 extension to the south and were exploring their financial options. She stated that the San Joaquin Hills TCA does not want to take on the financial responsibility of this extension.

## **CLOSED SESSION**

At the hour of 10:12 p.m. the City Council recessed to Closed Session regarding:

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(b)

Significant exposure to litigation

Number of potential cases: One

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(c)

Initiation of litigation

Number of potential cases: One

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Agency negotiator: City Manager and City Attorney

Negotiating parties: APN 632-133-03

Under Negotiation: Price and Terms of Payment

At the hour of 11:05 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 11:05 p.m.

Submitted By:

Approved By:

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Susan Robinson, CMC  
City Clerk

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Carmen Vali-Cave  
Mayor