

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
July 20, 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 7:00 p.m. on Wednesday, July 20, 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 5:00 p.m. on July 15, 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

Marcelle Fortier led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Warkomski presented to Principal Chris Carter the Certificate of Recognition for Don Juan Avila Middle School being named a 2005 California Distinguished School. Principal Carter stated the importance of the program and the process to achieve the designation. He stated that students' high-test scores were a factor in real estate purchases. He thanked the Council for their efforts in making the City a great place.

Mayor Warkowski invited Fire Chief Vadala and Chief of Police Services Lieutenant Paddock to the podium. OCFA Division Chief Vadala presented to City Manager Norman a glass embossed plaque from Fire Chief Chip Prather on his service as City Manager. Chief of Police Services Lieutenant Paddock presented City Manager Norman his City Manager's badge in an encase Lucite cube. He invited Community Services Officer Turino and Deputy Sheriff Villeneuve to the podium to present a shadowbox from the men and women of Aliso Viejo Police Services thanking City Manager Norman on his leadership. Each Council Member gave their appreciative comments to City Manager Norman on his service as City Manager.

Mayor Warkowski invited Aliso Viejo Chamber President Greg Gantman to the podium. Chamber President Gantman introduced himself and provided the Board's vision for the Chamber in 2005-06. He desired an open dialog between Council, leaders, and businesses within the community.

PROCLAMATIONS PRESENTED ELSEWHERE

Assistant to the City Manager / City Clerk Robinson announced that a Certificate of Recognition would be forwarded to the Southern California Association of Governments (SCAG) on their 40 Years of Service.

CLOSED SESSION REPORT

City Attorney Smith reported that the Council met in Closed Session on July 12, 2005 and directed Staff to provide an offer to The Mills Group for City Manager recruitment and Dan Joseph for the Interim City Manager position. City Attorney Smith stated that both agreements were executed.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

Mayor Pro Tem Vali-Cave requested to delete the Closed Session item, Hilda Wallingford, et al v. City of Aliso Viejo, et al. She requested that items be numbered on the agenda for the Closed Session items, that the information be numbered accordingly, and that a summary of each item be included in the agenda package. There being no objections, the direction carried through acclamation.

CONSENT CALENDAR

Mayor Pro Tem Vali-Cave requested to remove the following: Item Number 2, Minutes – July 6, 2005 Meeting; Item Number 3, Minutes – July 12, 2005 Special Meeting; and Item Number 4, Warrants.

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 2, Minutes – July 6, 2005 Meeting; Item Number 3, Minutes – July 12, 2005 Special Meeting; and Item Number 4, Warrants. 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.

5. **Adoption of Ordinances for Development Agreement and Specific Plan for the Ventana Ridge Residential Development Project**

ORDINANCE NO. 2005 – 074

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING THE VENTANA RIDGE SPECIFIC PLAN

ORDINANCE NO. 2005 – 075

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF ALISO VIEJO BETWEEN THE CITY OF ALISO VIEJO AND BMR DEVELOPMENT, LLC PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ.

1. Adopted Ordinance No. 2005 – 074 adopting the Ventana Ridge Specific Plan; and
2. Adopted Ordinance No. 2005 – 075 approving a Development Agreement for certain real property located within the City of Aliso Viejo between the City of Aliso Viejo and BMR Development, LLC pursuant to California Government Code Section 65864 et seq.

REMOVE FROM CONSENT CALENDAR

2. **Minutes – July 6, 2005 Meeting**

Mayor Pro Tem Vali-Cave stated that the word “not” was left out of her Council comments and requested inclusion.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to approve the minutes of July 6, 2005 as amended. Motion carried unanimously, 4-0, with Council Member Phillips abstaining due to his absence from the meeting.

3. Minutes – July 12, 2005 Special Meeting

Mayor Pro Tem Vali-Cave stated that there was some confusion in the Closed Session portion of the minutes. Assistant to the City Manager / City Clerk Robinson stated that she reviewed the minutes with Mayor Pro Tem Vali-Cave and would revise the section for approval at the next meeting.

4. Warrants

Mayor Pro Tem Vali-Cave questioned the warrant amount on the item listed as lawsuit/gas station. She wanted further clarification. Financial Services Manager Tharani stated copying of documents was completed in regards to a potential lawsuit regarding a code violation.

Mayor Pro Tem Vali-Cave requested that a matrix be created on pending and potential lawsuits and distributed to Council. There was an inquiry on the frequency for this report. City Attorney Smith stated that he would review this item and bring back the appropriate document(s). There being no objections, the direction carried through acclamation.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips to ratify the warrants for June 30, 2005 in the amount of \$741,410.99 and the warrants for July 7, 2005 in the amount of \$614,436.12. Motion carried unanimously, 5-0.

PUBLIC HEARING

6. Home Occupation Ordinance

Assistant to the City Manager / City Clerk Robinson stated the reason for the continuance.

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 Phillips and seconded by Council Member Ficke, to continue the public hearing to August 3, 2005. Motion carried unanimously, 5-0.

7. **A Request for Approval of Tentative Parcel Map 2005-164, to Convert Two Existing Multi-Tenant Office Buildings to Office Condominiums at 6 Liberty. The Project does Not Propose substantial Physical Changes to the Site, nor Any Change in the Type of Land Use (General Office)**

RESOLUTION NO. 2005 – 045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2005-164 FOR CONVERSION OF TWO OFFICE BUILDINGS AT 6A AND 6B LIBERTY TO OFFICE CONDOMINIUMS (VOIT)

Consulting Case Planner Lawrence gave a brief background from the staff report. Planning Director Garcia answered a question from the dais regarding the difference between this project and TechSpace. Applicant John Voit stated he was available for clarification and questions from the Council.

Discussion ensued regarding the commercial configurations, the need for ownership, the provisions on residential condominiums and if that need existed with commercial condominiums, the concerns of the City, if the property would be in compliance with the current Code, the vacancy rate in office rentals, the Live/Work at Vantis, the vast amount of vacant office space currently, the possible domino effect as with the residential condominium conversions, the price point and range for the spaces, the grid system to make sure that pricing was equitable once determined, the other cities that have commercial condominiums including Rancho Santa Margarita, Costa Mesa, Foothill Ranch, the improvements adhering to the current code requirements, the number of residential condominiums, the maximum level of residential condominiums, the rental survey being conducted on residential condominiums, the future study that would be conducted for a possible moratorium on commercial property if the demand increased as it did with the residential condominium conversions, the parking issue, the current zoning regulations, the review of parking by the City Engineer, whether the parking would be owned, the common areas and parking area being managed by the association, the fact that no new exterior doors would be added, and whether there would be fire walls separating the commercial condominiums.

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 Phillips and seconded by Council

Member Ficke, to adopt Resolution No. 2005 – 045 approving Tentative Parcel Map 2005-164 for conversion of two office buildings at 6A and 6B Liberty to office condominiums (Voit). Motion carried unanimously, 5-0.

8. **Tentative Tract Map TTM 16865 to Establish 45 Lettered and Numbered Lots and Site Development Permit SDP05-06 to Construct 265 Townhomes; Site Development Permit SDP05-05 to Construct 41 Live/Work Condominium Units; Common Recreation Area Facilities, and Affordable Dwelling Units (Vantis)**

RESOLUTION NO. 2005 – 046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 16865 TO ESTABLISH 45 NUMBERED AND LETTERED LOTS FOR RESIDENTIAL, COMMERCIAL OFFICE, AND SUPPORTING USES ON 11.6 ACRES OF LAND

RESOLUTION NO. 2005 – 047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT SDP05-06 THE DEVELOPMENT OF 184 TWO- AND THREE-STORY ATTACHED TOWN HOMES WITH 2-CAR DIRECT ACCESS AND 35 AFFORDABLE DWELLING UNITS ON 15.9 ACRES OF LAND

RESOLUTION NO. 2005 – 048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT SDP05-05 THE DEVELOPMENT OF 41 THREE-STORY LIVE/WORK CONDOMINIUM UNITS ON 3.6 ACRES OF LAND

Planning Director Garcia gave a brief presentation on the staff report.

Applicant Wayne Peterson from RBF Consulting introduced the team on the Vantis Project. He presented a PowerPoint presentation and stated he wanted to review the specifics of the resolutions proposed. Hans Anderle from Bassenian/Lagoni Architects described in detail the Live/Work units.

Discussion ensued regarding if the same color and style were throughout the Live/Work structures, the duplication of color, the landscaping in the alleys, the need to have space for trees, the 4-Plex on the front diagrams, the location of the doors, the correct drawings being submitted to Council, the size of the trees, the possibility of review at another meeting, the doors not

depicted on the drawings for the 4-Plex but were on the 7-Plex, the oversight on the drawings, the identification of the current architect on the Project, the side elevation and porches, the lighting features depicted on the previous drawings but not included in the current drawings, the confirmation that the lighting features did not change and would be added to the current drawings, the previous drawings have more articulation, the number of tree wells, the bike racks being black and would be more inline with the development to match the burgundy in the color scheme, the variation of the drawings and that there was more parapet in the previous drawings, the location of the A/C units being between the buildings, the question on whether the A/C units would be soundproofed and screened, the assurance that the A/C units would be screened, and the need for the slope to be softened more through landscaping.

Applicant Wayne Peterson introduced Jeff Chelwick from William Hezmalhalch Architects, Inc. who presented the Row Townhomes and Courtyard residences.

Discussion ensued regarding the PowerPoint presentation varying from the drawings submitted to Council, if the same color scheme was used throughout the Row Townhomes, the two different designs on the Row Townhomes to give some variety, the one color scheme for the Courtyard residences, the color board submitted being the actual material and color being used, the low front wall in relation to the sidewalk, the request to grant the Tentative Tract Map, the question on the information needed and submitted for a Tentative Tract Map, the possibility of a continuance, and the need to receive comments from Council on other issues.

Applicant Wayne Peterson introduced Eric Viado from Urban Arena who reviewed the trails, landscaping, recreational facilities, parks, bluff outlooks, staircase scenarios, and landscape palette of the Project. He addressed the plant material in the Live/Work area.

At the hour of 9:20 p.m., Mayor Warkowski declared a recess.

At the hour of 9:32 p.m., the City Council reconvened, with all Council Members present.

Applicant Wayne Peterson addressed the concerns he had with the proposed resolutions.

Discussion ensued regarding water quality issues, the proper retention and biofilters needed, the need to retain water onsite, the problems with insufficient plans in Staff's opinion, the varying viewpoint from the Consultant, the viewpoint that typical storm drain configurations would be acceptable, the preliminary grading and drainage plans including sand infiltration needed to

be presented to Staff, the need for a car wash area, the question if there would be retention in the park area, the typical grading process and the inability to make changes after grading occurs, the Water Quality Management Plan, the need for a retention basin at the park, the idea that connection could occur through the system designed and already in place, the need to divert all irrigation water and have zero runoff, the concurrence with the trash haulers regarding the street configurations, and the clarification of the correct architect on the Project.

Applicant Wayne Peterson requested that Council approve temporary grading for the Project.

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 Adams, to adopt Resolution No. 2005 – 046 approving Tentative Tract Map 16865 to establish 45 numbered and lettered lots for residential, commercial office, and supporting uses on 11.6 acres of land with revisions.

THE MOTION was amended by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to adopt Resolution No. 2005 – 046 approving Tentative Tract Map 16865 to establish 45 numbered and lettered lots for residential, commercial office, and supporting uses on 11.6 acres of land with additional revisions.

Discussion ensued regarding the deletion of the public plaza, the implications of approving a Tentative Tract Map without all necessary submittals, the ability to approve the Tentative Tract Map and final all items at the final tract map stage, and the ability or inability for Council to control the Project after releasing the Tentative Tract Map.

THE MOTION made by Mayor Pro Tem Vali-Cave was withdrawn.

A MOTION was made by Council Member Ficke and seconded by Council Member Phillips, to continue the public hearing item upon completion of properly submitted items and correct drawings. Motion carried unanimously, 5-0.

9. **Ordinance Adopting the California Electrical Code**

ORDINANCE NO. 2005 – 077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING BY REFERENCE AND AMENDING PART 3 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2004 CALIFORNIA ELECTRICAL CODE; AMENDING ARTICLE 2 OF DIVISION 1 OF TITLE 7 OF THE ALISO VIEJO MUNICIPAL CODE

City Engineer Whitman gave a brief summary of the reason why this item was before Council.

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 Ordinance No. 2005 – 077 by reference and amending Part 3 of Title 24 of the California Code of Regulations, comprising the 2004 California Electrical Code and amending Article 2 of Division 1 of Title 7 of the County Code as adopted by the City Council of the City of Aliso Viejo. Motion carried unanimously, 5-0.

COUNCIL BUSINESS

10. Codification Update

Assistant to the City Manager / City Clerk Robinson gave a brief background from the staff report.

Discussion ensued regarding the Ad Hoc Working Group's in depth review of the Code, the sections which were on the books and were not being enforced, and whether the Code should include such sections.

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 accept the recommended actions from the Codification Ad Hoc Working Group, and authorize the City Manager to initiate preparation of Ordinances recommended by the Ad Hoc Working Group. Motion carried unanimously, 5-0.

COMMUNITY INPUT

There were no speakers.

CITY MANAGER'S REPORT

City Manager Norman read a letter from Clariant, Inc. regarding relocating their Headquarters to 31 Columbia and commending the service of Ty Hall and City Staff. City Manager Norman thanked the Council for the opportunity to serve the City for the past 3-½ years.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Nothing to Report.

Council Member Adams

Nothing to Report.

Mayor Warkowski

Nothing to Report.

Mayor Pro Tem Vali-Cave

Nothing to Report.

Council Member Phillips

Nothing to Report.

CLOSED SESSION

At the hour of 10:15 p.m. the City Council recessed to Closed Session regarding:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: All City Rights-of-Way
Agency Negotiator: City Manager, City Attorney
Negotiating Parties: CR&R
Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS

Pursuant to Government Code Section 54956.95

Claimant(s): Caia Maglinao
Agency claimed against: City of Aliso Viejo

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(b)

Significant exposure to litigation – 1 case

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(c)

Significant exposure to litigation – 4 cases

PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957

Title: Interim City Manager

At the hour of 12:08 a.m. the City Council reconvened, with all Council Members present.

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

ADJOURNMENT at 12:09 a.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Karl P. Warkomski
Mayor