

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
August 2, 2006**

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 7:05 p.m. on Wednesday, August 2, 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 5:00 p.m. on July 27, 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

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

ROLL CALL

Assistant to the City Manager/City Clerk Robinson reported that Council Members Ficke and Phillips had an excused absence from this meeting.

Present: Mayor Carmen Vali-Cave
Mayor Pro Tem Cynthia Adams
Council Member Karl P. Warkomski

Absent: Council Member Greg Ficke
Council Member William A. Phillips

SPECIAL PRESENTATIONS

Mayor Vali-Cave requested that City Engineer Whitman make the introductions of the new Staff. City Engineer Whitman introduced the new Building and Safety Staff from Charles Abbott Associates (CAA): Kevin Kirby, Senior Building Inspector; and Tom Harb, Permit Technician and Building Inspector. He gave a history of their background, qualifications to the position, and their time with CAA.

PROCLAMATIONS PRESENTED ELSEWHERE

Mayor Vali-Cave stated that a plaque will be presented to Building and Safety/Code Enforcement Officer Ty Hall for service to the City.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Warkowski, to approve the Consent Calendar as described below with the exception of Item Number 5, Award Contract to Grillias Pirc Rosier Alves for Architectural Services for the City Hall Tenant Improvements, and Item Number 6, Approval of Project for Prop 40 Funding: Motion carried unanimously, 3-0.

1. Waive the Reading of All Ordinances

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

2. Minutes – July 5, 2006 Special Meeting

Approved the Minutes as submitted.

3. Warrants

1. Ratified warrants issued July 6, 2006, in the amount of \$33,630.16;
2. Ratified warrants issued July 13, 2006, in the amount of \$105,976.13; and
3. Ratified warrants issued July 20, 2006, in the amount of \$837,886.63.

4. Treasurer's Report - June

Approved the June 2006 Treasurer's Statement.

7. FY 2006-07 Program Grants for After-School Activities

Awarded Program Grants for after-school activities as planned in the FY 2006-07 Annual Budget and authorized the City Manager to execute Program Grant Agreements with the organizations listed.

REMOVED FROM THE CONSENT CALENDAR

5. **Award Contract to Grillias Pirc Rosier Alves for Architectural Services for the City Hall Tenant Improvements**

Council Member Warkowski requested this item be pulled to ask City Engineer Whitman about green building features and if the work plan would include the second floor of the building in the contract's scope of work. City Engineer Whitman responded negatively to the tenant improvements on the second floor. He stated that all possible efforts would be made to utilize green building features.

A MOTION was made by Council Member Warkowski and seconded by Mayor Pro Tem Adams, to award a contract to Grillias Pirc Rosier Alves (GPRA) for architectural services for the City Hall Tenant Improvements; and authorized the Mayor to execute a professional services contract with GPRA for an amount not to exceed \$55,000 Motion carried unanimously, 3-0.

6. **Approval of Project for Prop 40 Funding**

City Manager Pulone gave a brief background of the staff report. Community Services & Special Events Manager Wilson stated that she met with Council Member Warkowski prior to the meeting and discussed his concerns about green building features. She stated that all possible efforts would be made to include green building features into the project.

Council Member Warkowski wanted to make sure that the HVAC was energy efficient equipment. He stated that he agreed with the priority listing and mentioned that the roofing materials and reflectively on the roof be considered in the process.

A MOTION was made by Council Member Warkowski and seconded by Mayor Pro Tem Adams, to approve the priority phasing outlined in the Construction Cost Estimate Recap for the Family Resource Center at Iglesia Park and approve the Ad Hoc Working Group's recommendation to proceed with Phase I Projects in an amount not to exceed \$305,758.00; to authorize the City Manager to submit the necessary Prop 40 Project Applications to the State of California and direct the City Engineer to proceed with implementation of Phase I Projects upon the State's approval; and to direct Staff to research additional funding opportunities for projects identified in Phases 2 through 5. Motion carried unanimously, 3-0.

PUBLIC HEARING

8. Conditional Use Permit Ordinance

ORDINANCE NO. 2006 - 084

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING THE ORANGE COUNTY CODE AS ADOPTED BY THE CITY OF ALISO VIEJO TO SET FORTH THE USES THAT ARE PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT

Planning Director Garcia gave a brief background from the staff report.

Discussion ensued regarding about cyber cafés and other uses that were not listed in this ordinance. Assistant City Assistant Raymond explained the difference between uses protected by the first amendment rights and the uses in the proposed conditional use permit ordinance.

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 seconded by Council Member Warkomski, to introduce an Ordinance amending the Orange County Code as adopted by the City of Aliso Viejo to set forth the uses that are permitted subject to a Conditional Use Permit. Motion carried unanimously, 3-0.

9. Use Permit UPAV06-01 to establish an Assembly Use for a Church at 140 Columbia

RESOLUTION NO. 2006 - 035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT UPAV06-01 FOR ESTABLISHMENT OF AN ASSEMBLY USE FOR A CHURCH AT 140 COLUMBIA CORPORATE CENTER

Contract Planner Lowe gave a brief background from the staff report. She introduced the Applicant, Sam Shafer, Jr. who was available to Council for any questions.

Discussion ensued regarding Condition Number 9 on street cleaning and water uses, if the condition applied to car wash fundraisers, to add a condition that there be no parking on Columbia, that additional activities, such

as car wash fundraisers, require an additional permit, that clarification of "assembly use" be defined, if the time restrictions would cause a conflict with the neighboring church and businesses, if the hours of operations starting at 5:30 p.m. would be more appropriate, the flexibility needed when restricting hours, the private covenants on parking, that there be adequate parking spaces, amending the notification process to the City when there was an anomaly to the hours of operation, and the suggestion to change the hours of operation from 5:30 p.m. to 11:00 p.m. on weekdays and all day Saturday and Sunday.

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 Warkowski, to adopt a Resolution approving the Use Permit APAV06-01 for an Assembly Use for a Church at 140 Columbia subject to the conditions of approval, as amended. Motion carried unanimously, 3-0.

COUNCIL BUSINESS

10. Townsend Public Affairs Contract

City Manager Pulone gave a brief background from the staff report. He introduced Sean Fitzgerald from Townsend Public Affairs who introduced Chris Townsend and Jason Quimby. Sean Fitzgerald gave a presentation to Council on their activities for FY 2005-06 and opportunities for future funding projects and legislation activities.

Mayor Vali-Cave opened the item for public comment. There being none, Mayor Vali-Cave closed the item for public comment.

Discussion ensued regarding the notification from the State on energy efficient funding, the opportunities available at the Family Resource Center and City Hall for energy efficient funding, expanding the lobbyist services for other efforts, such as propositions, that effect Aliso Viejo, and the ability for long-term relationship building.

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Warkowski, that the City Manager negotiate a contract with Townsend Public Affairs for grant writing and lobbyist efforts for a one-year term with two one-year extensions. Motion carried unanimously, 3-0.

11. South OC Major Investment Committee Appointee

City Manager Pulone gave a brief background from the staff report. Mayor Vali-Cave stated that she attended the meeting that morning. She stated that she would like to volunteer for this appointment. She gave an overview of the presentation and the concerns for transportation in the future.

Discussion ensued regarding why the letter dated June 14, 2006 was not presented to Council in July, the need to have representation for the City, if the focus was building roads or looking at multi-modal transportation, the logistics of the meetings, the selection of a staff member as an alternate, the Committee being a policy committee, the need for representation from the City, and the appointment being Carmen Vali-Cave and not the Mayor's position.

Mayor Vali-Cave opened the item for public comment. There being none, Mayor Vali-Cave closed the item for public comment.

A MOTION was made by Mayor Pro Tem Adams, and seconded by Council Member Warkowski, to appoint Mayor Carmen Vali-Cave as the South OC Major Investment Committee Appointee and the City Engineer be appointed as the Alternate. Motion carried unanimously, 3-0.

Council Member Warkowski wanted updates on this Committee. Mayor Vali-Cave stated that material received would be distributed. Council Member Warkowski wanted a broader view of transportation discussed.

COMMUNITY INPUT

Brett Goellner wanted some guidance on how to stop the restroom from being placed in Pinewood Park. He stated that there were people who were extremely opposed to this project. Mayor Vali-Cave stated that any material should be given to the City Clerk and to discuss this issue with Staff.

CITY MANAGER'S REPORT

City Manager Pulone reported on the AVCA restroom issue. He stated that AVCA did submit two applications for the restrooms to be located at Foxborough Park and Pinewood Park. Staff has deemed the applications complete and scheduled a DRC Hearing on August 22nd at 3:00 p.m. He encouraged interested parties to attend. He stated that AVCA indicated that they will be doing public outreach and encouraged those interested to contact AVCA for information.

City Manager Pulone stated that the Certificates of Participation were issued and the City received a favorable interest rate of 4.93%. He anticipated closure of escrow of City Hall in mid-August and improvements to commence near year end. He thanked Financial Services Manager Tharani for her efforts on this project.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Warkomski

None.

Mayor Pro Tem Adams

Mayor Pro Tem Adams stated that she and Council Member Phillips were the Ad Hoc Working Group on the 5th Anniversary celebration. The Founders Day will be held on September 30, 2006 and she stated that this will be an annual event. She distributed the flyer of the event and encouraged participation.

Mayor Vali-Cave

Mayor Vali-Cave stated she attended the South Orange County Association of Mayors and City Managers. She stated the topic was the Grand Jury's Report regarding the Sheriff's Department. She stated that the cities were in support of the Sheriff Department's efforts.

Mayor Vali-Cave stated she was asked to speak at the LAFCO conference. She was a panelist with others to discuss the function of the City with a Master Home Owner Association, its duties, boundaries, and relationship.

Mayor Vali-Cave stated the Transportation Corridor Agency (TCA) met on Tuesday to move forward on studying the lane widening at Glenwood interchange north to the toll plaza. She stated that the lane would be added to the center of the road.

Mayor Vali-Cave stated that she attended the South OC Major Investment Committee today. She stated a package received at the meeting will be distributed to Council.

Mayor Vali-Cave mentioned that Supervisor Correa asked her to sit on the "Activate America" Task Force. She stated that the program looked at health, movement, exercise, nutrition and other aspects to combat diabetes and obesity in the Latino population, low-income population, children, and at-risk population. They targeted Aliso Viejo as one of the communities to study through the public school system.

CLOSED SESSION

There was no Closed Session.

ADJOURNMENT at 8:35 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Carmen Vali-Cave
Mayor