

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
August 3, 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, August 3, 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 July 29, 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

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

Duane Cave led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Warkomski presented Certificates of Recognition to Kelly Howey, Mikayla Griffith, and Allie Griffith. Laura Griffith explained how the girls got involved in the fundraising efforts benefiting a child who lost everything due to a home fire.

Mayor Warkomski invited Chief of Police Services Lt. Paddock to the podium. Lt. Paddock described the work and assistance by Mike Rodgers on the City's first Emergency Operation Plan. He thanked him for his help and presented a Certificate of Recognition from the Council. Mike Rodgers stated that the City was fortunate to have Lt. Paddock as their Chief of Police and stated that they should be proud of the comprehensive Emergency Operation Plan that was adopted.

PROCLAMATIONS PRESENTED ELSEWHERE

None.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

INTRODUCTION

Mayor Warkomski introduced Interim City Manager, Daniel P. Joseph.

CLOSED SESSION REPORT

City Attorney Smith reported that the Council denied the claim of Caia Magliano at the July 20, 2005 meeting. Motion carried unanimously, 5-0.

CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Ficke, to approve the Consent Calendar as described below. 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 – July 12, 2005 Special Meeting**

Approved the minutes as submitted.

3. **Minutes – July 20, 2005 Adjourned Meeting (Workshop)**

Approved the minutes as submitted.

4. **Minutes – July 20, 2005 Regular Meeting**

Approved the minutes as submitted.

5. **Minutes – July 20, 2005 Special Meeting**

Approved the minutes as submitted.

6. **Warrants**

1. Ratified warrants for July 14, 2005 in the amount of \$70,335.59; and
2. Ratified warrants for July 21, 2005 in the amount of \$583,697.39.

7. **Treasurer's Statement**

Approved the June 2005 Treasurer's Statement.

8. **Supplemental Law Enforcement Services Fund (SLESF)**

RESOLUTION NO. 2005 – 046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO CALIFORNIA APPROVING THE EXPENDITURE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) FOR FY 2005-06

Adopted Resolution No. 2005 - 046 approving the expenditure of the Supplemental Law Enforcement Services Fund (SLESF) for FY 2005-06.

9. **Appropriation of Funds for City Manager Recruitment**

Authorized the appropriation of \$18,000 from the General Fund Unreserved Fund Balance to pay for the City Manager recruitment.

10. **Professional Services for Emergency Operations Consulting and Cost Sharing Agreement with the City of Rancho Santa Margarita regarding Same**

Approved and authorized the Mayor to execute a Cost Sharing Agreement with the City of Rancho Santa Margarita in substantially the same form as proposed regarding professional services for emergency operations consulting services; and authorize staff to issue a Request for Qualifications (RFQ) for consultant services in substantially the same form as proposed.

11. **Selection of Proposal for Lobbying and Grant Writing Services**

1. Reviewed the proposals and selected the proposal submitted by Townsend Public Affairs, Inc. as the preferred proposal submitted in response to the City's RFQ for lobbying and grant writing services; and
2. Authorized the Mayor to execute the Agreement.

12. **Professional Services Agreement between the City of Aliso Viejo and Environmental and Regulatory Specialists, Inc. (EARSI) for Planning Consultant Services**

Approved and authorized the Interim City Manager to sign a Professional Services Agreement between the City of Aliso Viejo and Environmental and Regulatory Specialists Inc. (EARSI) for planning consultant services.

13. **Review of and Possible Amendment to Ordinance No. 2001 – 005 and Ordinance No. 2002 – 042 relating to City Manager’s Duties and Contract**

Reviewed Ordinance No. 2001 – 005 and Ordinance No. 2002 – 042 and allow this item to brought back on the August 17, 2005 agenda for Interim City Manager to make substantial comments relating to City Manager’s duties and contract.

PUBLIC HEARING

14. **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 Ficke and seconded by Council Member Phillips, to continue public hearing to September 7, 2005. Motion carried unanimously, 5-0.

COUNCIL BUSINESS

15. **Ten-Year Financial Forecast**

Financial Services Manager Tharani 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.

Discussion ensued regarding Year 8 when the Revenue Neutrality ceases, why that transition period was not reflected in the forecast, the fact that the

Revenue Neutrality was calculated into the forecast from the beginning, the annual hit of 1.5 million, scenario two showing that adequate services can continue effortlessly without a major catastrophe, the delta calculation of one million or 30% to 45%, the confirmation of the gap of one million in projected fund balance, the fact that the growth factor was constant, the range between the two scenarios, the increase in police services being calculated at 5% based on the history of increases, the County's Transient Occupancy Tax (TOT) rate being 10%, and countywide varies from 8 to 14.5%.

16. Parking on Collector Streets

City Engineer Whitman gave a brief background from the staff report. He added that the parking requirements vary from city to city.

Discussion ensued regarding the mechanism of the study, the knuckles placed on the street for traffic calming purposes, reviewing the problem for traffic calming purposes as well as for aesthetics, the Ad Hoc Working Group's concerns, whether aesthetics can break up the street, the collector street serving as the backbone of the program, if any restrictions would be placed on the type of vehicles (e.g. commercial), the previous ordinances adopted, the impact of the HOA policies and its restrictions, the balance between private and public property issues, the improvement of Oakgrove by utilizing stripping, researching the commercial vehicle issue before returning to Council, the inadequate parking inside the complexes, the example of conforming to ADA requirements and thus reducing parking spaces, the parking deficiencies, the number of complaints received, that the recommendation would be on a case by case basis, the hard work of the Ad Hoc Working Group, the example of using the streets surrounding Don Juan Avila Middle School as a test case, the possibility of meeting with HOAs, the sensitivity to citizens and those using the streets, the lack of consistency in the areas, the storage issue, the problem associated with not using garages, that the order of priority was reversed and should be public convenience first then aesthetics, the example of necessity for aesthetics using Chase as an example, the aesthetics being a big issue, the problem with multi-tenant complexes in one area, and that street parking was allowed for 72 hours.

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 Ficke, to adopt a policy directing staff to perform an engineering study and establish parking regulations in response to public requests for modifications to existing parking regulations on collector streets based on the following hierarchy of principles:

1. Public safety related to adequate sight distance;
2. Public convenience;
3. Aesthetics;
4. Land use adjacent to the collector street: a. parking can be prohibited adjacent to single family residential; b. parking should be allowed adjacent to multi family residential; c. parking should be allowed adjacent to parks and other community; d. activity centers; and e. parking should be allowed adjacent to commercial and industrial and uses; and
5. Exiting center turn lanes on commercial/industrial streets are to be preserved. Motion carried unanimously, 5-0.

17. Measure M Extension Policy Discussion

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

Discussion ensued regarding the list of projects to OCTA, the number of current projects now or in the future, the possibility of the 73 toll road being funded through the extension of Measure M, the road requirements for funding, the fact that Aliso Viejo is a destination and not a travel through city, the grants applied for which were not awarded, the possibility of adding the toll facilities in Measure M, the beautification projects, the wish list from other cities, the next cycle for funding, the deadline for the call for projects, the new call for projects being the extension of Measure M, the political issues, the structure of the toll road and transportation, the paying of the outstanding bonds, the turn back money to the cities calculated in the program, the worst case scenario, the block grant fund program, the subcommittee process, the forced choice survey, the need to get the City's list to OCTA, the possibility of new parameters being developed for the Extension of Measure M, the problems that the City had incurred from the County, the need to take suggestions from the Engineer and add to the list, the return of investment, the regional need for the Measure, getting a list from staff on what the City wants, addressing the regional issue of transportation, making the community more walkable to reduce traffic, identifying specific areas and streets that get addressing, the land use problem, looking at the long term vision of transportation issues, and forming an Ad Hoc Working Group.

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

Mayor Warkomski and Council Member Phillips volunteered to serve on the Ad Hoc Working Group to discuss Measure M issues with OCTA and Staff.

COMMUNITY INPUT

There were no speakers.

CITY MANAGER'S REPORT

Nothing to report.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Council Member Ficke stated he would be attending the ribbon cutting ceremony at US Gymnastics Training Center located at 1 Argonaut.

Council Member Ficke wanted Staff to investigate the landscaping contract to get pricing and scope of work for landscaping at the interchange at 73.

Council Member Adams

Council Member Adams represented the City at the 2005 Itosu-Ryu Karatedo World Championships at Soka University and presented a City medallion to Sadaaki Sakagami Soke.

Council Member Adams wanted to go dark on October 5 Council Meeting or have an excused absences due to her committee meeting at the League of California Cities Conference the next day. Additionally she would be attending the Resolution Committee at the Conference.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave echoed Council Member Adam's request.

Mayor Pro Tem Vali-Cave stated that the Assistant CFO is assuming the CFO position at the TCA. She stated that there was a Special Meeting scheduled to discuss the proposals regarding the settlement agreement.

Mayor Pro Tem Vali-Cave wanted to recognize the majors, 11 year old, and 12 year old Little League teams.

Council Member Phillips

Council Member Phillips and Mayor Pro Tem Vali-Cave have met with Aliso Commons.

Council Member Phillips wanted the Master Trails Plan and walkability issues to be presented to Council within the next ninety days.

He concurred with Council Member Ficke on improving the “pork chop” area. Mayor Warkomski stated his previous contact with Caltrans. He was not sure if the City could make improvements on Caltran’s jurisdiction.

Mayor Warkomski

Nothing to report.

CLOSED SESSION

At the hour of 8:20 p.m. the City Council recessed to Closed Session regarding:

- 1. CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS**
Pursuant to Government Code Section 54956.95
Claimant(s): Theodore Iannucelli Isaac
Agency claimed against: City of Aliso Viejo
- 2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(c)
Number of Cases: (1)
- 3. PUBLIC EMPLOYEE APPOINTMENT**
Pursuant to Government Code Section 54957
Title: City Manager
- 4. 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

At the hour of 9:50 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 9:51 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Karl P. Warkowski
Mayor