

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
August 17, 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 7:05 p.m. on Wednesday, August 17, 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 August 12, 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

Janice Glaab led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Warkomski introduced Crime Prevention Specialist Beauchamp who explained the work of the Explorers and their going above the call of duty at the first annual Aliso Viejo Business and Community Expo. Crime Prevention Specialist Beauchamp along with Mayor Warkomski presented Certificates of Appreciation to Explorers Post 449.

PROCLAMATIONS PRESENTED ELSEWHERE

Assistant to the City Manager/City Clerk Robinson stated Certificates would be presented at the Mayor's Breakfast to the Outgoing Aliso Viejo Chamber Directors

and Chamber's Business of the Year this Friday. Additionally, she stated that Certificates of Appreciation would be mailed to the Volunteers for the 2nd Annual AV Golf Cup.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips, 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 – August 3, 2005 Meeting

Approved the Minutes as submitted.

3. Warrants

1. Ratified warrants issued July 28, 2005 in the amount of \$72,995.71; and
2. Ratified warrants issued August 4, 2005 in the amount of \$170,823.76.

4. October 5, 2005 City Council Meeting

Cancelled the October 5, 2005 City Council Meeting.

5. Animal Care Services Contract

1. Authorized the Interim City Manager to execute the Agreement for Animal Care Services between the County of Orange and the City; and
2. Allocated \$3,255.00 from the Unreserved General Fund Balance to cover estimated costs.

6. South Coast YMCA Teen Impact Program

1. Awarded a Community Services Grant to YMCA of Orange County - South Coast Branch to provide the Teen Impact Program at both the Aliso Viejo Middle School and Don Juan Avila Middle School in the amount of \$40,000 for FY 2005-06; and
2. Authorized the Interim City Manager to execute a Community Services Grant Agreement with YMCA of Orange County - South Coast Branch (South Coast YMCA) for FY 2005-06.

PUBLIC HEARING

None.

COUNCIL BUSINESS

7. Voting Delegate for League of California Cities (LCC) Annual Conference

Assistant to the City Manager/City Clerk Robinson 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 Phillips and seconded by Council Member Adams, to designate Mayor Pro Tem Vali-Cave as the Voting Delegate and Council Member Adams as the Alternate for the League of California Cities Annual Conference to be held October 6 – 8, 2005 at the San Francisco Moscone Convention Center West. Motion carried unanimously, 5-0.

8. Solid Waste Franchise Agreement

City Engineer Whitman gave a brief background from the staff report. He stated that there was a 16.3% reduction on the residential rate and no increases on commercial. He added that additional programs and services were added to the Agreement.

Discussion ensued regarding the necessity of uniform approval from Council, the confirmation that a phone call the previous day as late as 2:30 p.m. would allow for bulk items to be picked up the next day, if there was adequate insurance coverage, the fact that the insurance was representative of the size of the city and standards, the provision in the agreement that the vendor

would discuss changes in legislative actions affecting the contract after the execution of the agreement, the provision of maintaining vehicles adequately to avoiding causing water quality problems, the negligence provision clause in the agreement , the ability to get quieter trash trucks, the possibility of source reduction on non-diversion issues, illegal dumping and the section in the agreement, whether the County would issue a blanket permission to enter their property, the encroachment permit required, and the possibility of AVCA granting a blanket permission to enter their property.

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

Discussion ensued regarding the compliance of the Integrated Waste Management Board, the explanation of rates from the landfill, the quarterly rate given by the landfills, the best contact negotiated for the service, the educational program being proposed to the City Manager in April and presented to City Council for approval each fiscal year, the various programs discussed, the green waste program, the fact that the agreement was created based on programs and not politics, the enhancements of services and programs from the contract previously inherited from the County.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to approve the Solid Waste Franchise Agreement and rate structure and direct the City Manager to execute the Agreement with the following amendments:

1. Residential Section (b)(i), delete second "shall";
 2. Scope of Services Section 6, 2nd line, insert "any and all information";
 3. Reporting, Accounting and Auditing Section b, replace monthly with "quarterly";
 4. Exhibit C, identify street Alicia Parkway as the park and ride location; and
 5. "Provisions and Replacement of containers and bins" change to "tag".
- Motion carried unanimously, 5-0.

9. City Manager Powers and Responsibilities

ORDINANCE NO. 2005 – 078

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING ARTICLE 7 TO DIVISION 2 OF TITLE 1 OF THE ORANGE COUNTY CODE, AS ADOPTED BY THE CITY OF ALISO VIEJO, RELATING TO THE OFFICE OF CITY MANAGER

City Attorney Smith gave a brief background from the staff report. He stated that the ordinances were crafted to enhance the prospective candidates for the permanent City Manager recruitment.

Discussion ensued regarding the work done by the Interim City Manager, the power of appointment without Council approval, at will and civil service rights, administrative hearing process, and the need to revise the personnel policies during the interim period.

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 Adams, to introduce Ordinance No. 2005 – 078 amending the City Manager ordinances. Motion carried, 5-1 with Mayor Warkowski dissenting.

COMMUNITY INPUT

There were no speakers.

CITY MANAGER'S REPORT

Nothing to report.

CLOSED SESSION REPORT

City Attorney Smith reported that Council took action at their last meeting on August 3, 2005 to deny the claim on Theodore Iannucelli Isaac. Motion carried unanimously, 5-0.

City Attorney Smith stated that staff had no further information on the Closed Session items if Council desired to adjourn the meeting after Council Comments.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Nothing to report.

Council Member Adams

Council Member Adams stated she enjoyed the presentation on Global Communities given at the last League of California Cities' Divisional Meeting. and

commented how the City was fortunate to have the expertise of Council Member Phillips on the topic.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave stated that TCA has no further progress on the settlement agreement. She stated that the draft presented was inadequate.

Mayor Pro Tem Vali-Cave stated that she attended the infrastructure subcommittee for the Measure M Super Committee. She stated that the process was political and was surrounded around the passage of the initiative by the voters. She stated her discomfort with the process. She stated that new development was not considered and most of the projects presented benefited the North and West portions of the County. Lastly, she expressed that transportation issues at a municipal level were discussed and reiterated the Council's discussion on a shuttle bus.

Council Member Phillips

Council Member Phillips stated he attended the first Ad Hoc Working Group on the City's Signature Event. He stated that the DANT would be meeting with Aliso Commons and Glenwood next week.

Mayor Warkomski

Mayor Warkomski mentioned the State of the City Address at the Golf Course this Friday.

CLOSED SESSION

None.

ADJOURNMENT at 7:52 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Karl P. Warkomski
Mayor