

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
September 7, 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 7:02 p.m. on Wednesday, September 7, 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 September 1, 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

Duane Cave led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Warkomski presented Karen Taylor of the Regional Center of Orange County the Proclamation declaring September 16, 2005 as Developmental Disabilities Day. Karen Taylor thanked Council for their recognition and explained the importance of declaring the day for the developmentally disabled and recognition to the cause at the spotlight awards event occurring on the same day, September 16, 2005.

PROCLAMATIONS PRESENTED ELSEWHERE

None.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Council Member Phillips 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 – August 17, 2005 Meeting**

Approved the Minutes as submitted.

3. **Warrants**

1. Ratified warrants issued August 11, 2005 in the amount of \$63,207.29;
2. Ratified warrants issued August 18, 2005 in the amount of \$50,198.33; and
3. Ratified warrants issued August 26, 2005 in the amount of \$474,855.82.

4. **Treasurer's Statement**

Approved the July 2005 Treasurer's Statement.

5. **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

Adopted Ordinance No. 2005 - 078, 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.

6. Aliso Viejo Ranch - Appropriation of Funds for Tree Trimming

Approved a budget amendment in the amount of \$10,000 for tree trimming at the Aliso Viejo Ranch from the General Fund Unreserved Fund Balance.

7. Community Assistance Grant Funding – FY 2005-06

Received and filed the applications for Community Assistance Grant Funding Program for FY 2005-06 and allocated funds from Account No. 101-1101-4530, as set forth.

8. Declaring Prima Facie Speed Limits on City Streets

RESOLUTION NO. 2005 – 047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO ESTABLISHING PRIMA FACIE SPEED LIMITS ON CERTAIN CITY STREETS.

Adopted Resolution No. 2005 – 047 establishing prima facie speed limits on certain City streets.

PUBLIC HEARING

9. An Ordinance amending the Aliso Viejo Zoning Code concerning the regulation of Home Occupations, and a Resolution establishing a fee for the processing of Home Occupation Permits

ORDINANCE NO. 2005 - 079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING SECTIONS 7-9-146.6, 7-9-146.7 AND 7-9.146.8 OF THE ALISO VIEJO ZONING CODE CONCERNING THE REGULATION OF HOME OCCUPATIONS

RESOLUTION NO. 2005 – 048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO ESTABLISHING A FEE FOR THE PROCESSING OF APPLICATIONS FOR HOME OCCUPATION PERMITS AS REQUIRED BY SECTION 7-9-146.6 OF THE ZONING CODE

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

Discussion ensued regarding the use of the third car enclosed garage as an office space, the impact of allowing such a regulation, the fact that the Zoning Code already states the minimum of two-car garages and that this would be an allowable use, the classification of commercial vehicles, classification of item number 8, the parking of commercial vehicles, the clarification on item number 9, the prohibited uses, the classification of massage therapist, the requirements on photo developing, the list of occupations that were acceptable and prohibitive, the definition of on-site and off-site alcohol sales, the request to have a layman's definition in the ordinance, the process of maintaining minimum off-street parking and how that would be enforced, the measurement of such a standard, the use of a third car garage, the regulations enforced by the code enforcement office, the need to adopt this ordinance now as opposed to waiting for the Zoning Code adoption, the restrictions already included in the existing County Code as adopted by the City, the number of calls regarding inquiries, the number of denials of home occupation permits, the estimated number of acceptable deliveries by commercial shippers, such as UPS.

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

Discussion ensued regarding traffic concerns, home space, the recommended appeal fee, the need for flexibility on home occupations, especially if there is an outside impact to the residential area, the zoning of the Vantis Live/Work uses, the exceptions given for the list of prohibited uses for a home occupation, the ordinance punishing small businesses when there was no or little impact, the need to delete the "function" or classification of the business and look at the impact of the home occupation to the outside environment, the need to return this item to staff for revisions, the need to identify the prohibitive impacts (activities) versus the type of business, the request to subsidize the fee for processing the permit, the lack of consensus on fee subsidy, the difference between a deposit based fee and a set fee, the need to have a finite fee in the resolution, the purpose for adopting the fees by resolution and not included in the ordinance, and clarification of direction to staff for revisions.

COUNCIL DIRECTED STAFF to revisit the item. There being no objection, the direction carried through acclamation.

10. **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 SDP05-07 to Construct 41 Live/Work Condominium Units; Common Recreation Area Facilities, and Affordable Dwelling Units (Vantis)**
Prepared by: Eugenia Garcia, Planning Director

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.

COUNCIL DIRECTED STAFF to continue the item to September 21, 2005. There being no objection, the direction carried through acclamation.

COUNCIL BUSINESS

None.

COMMUNITY INPUT

Nicole Boice introduced Rick, Richie, and Sophie Wojcicki, who she met over the Labor Day Weekend when selling lemonade to fundraise for the victims of Hurricane Katrina. She explained how the fundraising efforts had developed over the last week and urged corporate sponsorship.

Rick Wojcicki encouraged the Council to get involved and requested that one day be declared for fundraising efforts. He mentioned his website on the cause: lemonade.org.

Sharon Murray read a letter to the Council stating the need for traffic calming on the corners of Westridge and Oak View Drive. She made several suggestions to improve pedestrian safety.

CITY MANAGER'S REPORT

Interim City Manager Joseph reported that the City had updated their website to include links to the Red Cross and other information regarding efforts to assist the victims of Hurricane Katrina.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Nothing to report.

Council Member Adams

Council Member Adams stated she would be attending the League of California Cities Orange County's Division Meeting tomorrow.

Council Member Adams announced that she will not be in attendance at the September 21, 2005 meeting and requested an excused absence.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave stated that the TCA meeting was tomorrow. She stated that the item approving the agreement between the two agencies: San Joaquin Hills and Foothill/Eastern, was removed from the agenda, and was uncertain as to why.

Mayor Pro Tem Vali-Cave stated her experience with Animal Control Care when her dog was bitten. She questioned the contractual agreement and payment in relation to the lack of staff and overtime costs. Interim City Manager Joseph stated that the contract was based on the number of services, and not overtime of limited staff. Mayor Pro Tem Vali-Cave requested a call be placed to their Administration.

Mayor Pro Tem Vali-Cave requested a follow-up on the previous Council direction regarding the Aliso Creek directive and attendance at the Board of Supervisor's meeting when it was being approved.

Mayor Pro Tem Vali-Cave responded to Sharon Murray's request for traffic calming devices. She commented on the signage at the City of Redwood, and requested that staff investigate those signs in the City of Redwood.

Council Member Phillips

Council Member Phillips stated he attended the DANT meeting with Mayor Pro Tem Vali-Cave. He thanked Interim City Manager for his assistance when the DANT meeting became formidable, but outstanding issues were getting resolved.

Council Member Phillips responded to Sharon Murray's request on the safety of the

streets and echoed that the upcoming workshop needed to address such issues. He identified with the problems because he walks the community and sees a need for traffic calming. He stated that walkers would be better served by reducing the width of the street, especially at intersections.

Council Member Phillips requested that the Mayor make the challenge for fundraising efforts at the upcoming Chamber event. He stated that fundraising efforts for the victims of Hurricane Katrina could extend to the real estate industry, at the League of California Cities meetings, and at the upcoming Coastal Clean-Up event.

Mayor Warkomski

Mayor Warkomski stated the upcoming Coastal Clean-up event was September 17, 2005 between 8:00 a.m. to 12:00 p.m. at two locations: the Aliso Viejo Ranch and the Natural History Museum, and he encouraged everyone's participation.

CLOSED SESSION

None.

ADJOURNMENT at 8:40 p.m. to September 21, 2005 at 5:30 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Karl P. Warkomski
Mayor