

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
October 18, 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, October 18, 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 October 12, 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

Boy Scouts Mitchell Kimball and Tommy Nixon from Troop 729 led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Carmen Vali-Cave
Mayor Pro Tem Cynthia D. Adams
Council Member Greg Ficke
Council Member William A. Phillips
Council Member Karl P. Warkomski

Absent: None.

SPECIAL PRESENTATIONS

Mayor Vali-Cave requested Coach Bruce North to describe the accomplishments of the Junior All Stars Little League Titans Team. Mayor Vali-Cave gave each team member their Certificate of Recognition for winning the Division 55 championship.

Council Member Warkomski left the dais at 7:10 p.m.

Council Member Warkomski left the dais at 7:15 p.m.

Mayor Vali-Cave presented a proclamation declaring the week of October 21 through 29, 2006 as Red Ribbon Week to OCSD Crime Prevention Officer

Beauchamp. Crime Prevention Officer Beauchamp explained the purpose of Red Ribbon Week and the school activities involved during this week.

Chief of Police Services Lt. Paddock described the process in choosing the Crime Prevention Officer of the Year and its various regions. He described the services performed regularly by OCSD Crime Prevention Officer Margo Beauchamp. Mayor Vali-Cave presented her a Certificate of Congratulations for being selected as the 2006 CCPOA's Crime Prevention Officer of the Year for Region 3.

Mayor Vali-Cave presented a proclamation declaring the Month of October 2006 as Crime Prevention Month to OCSD Crime Prevention Officer Beauchamp. Mayor Vali-Cave listed the wonderful services provided by Crime Prevention Officer Beauchamp which makes this City great.

Mayor Vali-Cave stated that the presentation regarding the Mission Hospital expansion project will not be presented.

PROCLAMATIONS PRESENTED ELSEWHERE

Mayor Vali-Cave stated that Certificates of Commendation were presented at the Founder's Day at the AV Ranch to the following VIP Founders: Dick Ackerman; Pat Bates; Randy Bressette; Robert Bunyan; Emily Butler; John Campbell; Melody Carruth; Bill Conley; Nancy Conley; Chuck DeVore; Richard Dixon; Marcelle Fortier; Donald Garcia; Peter Herzog; Mark Hiller; Daniel Joseph; Hilary Keith; Debbie Lee; Mel Mercado; Dan Miller; Michael Ruane; Dana Smith; John Steward; Lori Trottier; Mimi Walters; Thomas Wilson; and William Woollett.

Mayor Vali-Cave stated that Certificates of Appreciation were sent to Wendy Harder and George Wesson at Soka University for assisting with the City's in the 2005 and 2006 recycling and waste events.

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 with the exception of Item Number 5, Cafeteria Plan Benefits. 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 – September 20, 2006 Meeting**

Approved the Minutes as submitted.

3. **Warrants**

1. Ratified warrants issued September 28, 2006, in the amount of \$28,296.63; and
2. Ratified warrants issued October 5, 2006, in the amount of \$274,347.00.

4. **Travel and Expense Policy**

Approved the Travel and Expense Policy for City employees and Elected Officials.

6. **Final Parcel Map for 32 Journey**

RESOLUTION NO. 2006 - 044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING FINAL PARCEL MAP FPM 2006-132 FOR CONVERSION OF THE EXISTING OFFICE BUILDING LOCATED AT 32 JOURNEY TO FOUR (4) AIR-SPACE CONDOMINIUM OWNERSHIPS

Approved Resolution No. 2006 - 044 approving Final Parcel Map (FPM) for 32 Journey and direct Staff to have said final map recorded in Orange County.

REMOVED FROM CONSENT CALENDAR

5. **Cafeteria Plan Benefits**

RESOLUTION NO. 2006 - 043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO ADOPTING A BENEFIT SCHEDULE FOR NON-REPRESENTED EMPLOYEES

Mayor Pro Tem Adams pulled this agenda item to ask if the Cafeteria Benefit Plan allowed for deposits to the Section 125 Plan, the flexible spending account. Administrative Services Manager Yasui responded affirmatively.

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Phillips, to adopt Resolution No. 2006 - 043 relating to benefit schedule for non-represented employees. Motion carried unanimously, 5-0.

PUBLIC HEARING

7. **Resolution authorizing a Grant Application Submittal to the Urban County Community Development Block Grant (CDBG) FY 2007-08 Program for Public Facilities and Improvement Activities regarding Iglesia Park Improvements**

RESOLUTION NO. 2006 - 045

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AUTHORIZING THE CITY OF ALISO VIEJO TO APPLY FOR GRANT FUNDS FOR THE FY 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 2007-08 PROGRAM FOR PUBLIC FACILITIES AND IMPROVEMENT (PF&I) ACTIVITIES

City Manager Pulone introduced this agenda item. Community Services and Special Events Manager Wilson gave a brief background from the staff report.

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 Council Member Ficke and seconded by Council Member Phillips, to approve a Resolution authorizing a Grant Application Submittal declaring the City's intent to apply for FY 2007-08 (CDBG) funding for Iglesia Park Improvements. Motion carried unanimously, 5-0.

8. **Ordinance Prohibiting Land Uses that Contravene State or Federal Law**

PROPOSED ORDINANCE

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 PROHIBIT ALL LAND USES THAT CONTRAVENE STATE OR FEDERAL LAW

City Attorney Smith gave a brief background from the staff report.

Discussion ensued regarding land use and changes in the future on State or Federal Law that would conflict with this 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 Council Member Ficke and seconded by Council Member Phillips, to introduce an Ordinance prohibiting all land uses that contravene either State or Federal Law. Motion carried unanimously, 5-0.

9. **Request to Amend Minor Use Permit, UPAV06-01 with UPAV06-10, to establish an Assembly Use for a Church by expanding into an adjacent space at 150 Columbia, within the Columbia Corporate Center**

RESOLUTION NO. 2006 - 046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING AN AMENDMENT TO MINOR USE PERMIT, UPAV06-01 WITH UPAV06-10, TO ESTABLISH AN ASSEMBLY USE FOR A CHURCH BY EXPANDING INTO AN ADJACENT TENANT SPACE AT 150 COLUMBIA, WITHIN THE COLUMBIA CORPORATE CENTER

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

Discussion ensued regarding the Applicant's request on the hours of operation, the conditions placed on 140 Columbia, clarification of the uses for 150 Columbia, the request to condition the hours of operation in the resolution, the lessons learned from previous church uses in a business park, the property tax paid on the property, and if there was sales tax charged at the book store.

Mayor Vali-Cave opened the item for public testimony.

Sam Shafer, Jr., Applicant, described the building and the various uses. He assured Council that parking would never be a problem for the City. He also addressed the concerns regarding the bookstore and its hours of operation.

Rick Talcott, Administrator for the Church, addressed the property tax question. He stated that the Church is filing for a non-profit tax exemption status. He stated that the bookstore has a resale license and does collect sales taxes.

There being no more speakers, Mayor Vali-Cave closed the item for public testimony.

Discussion ensued regarding the staff recommendation on the condition regarding hours of operation, and the formula used by the Planning Department on parking spaces which is determined by the square footage of the building.

A MOTION was made by Mayor Pro Tem Adams and seconded by Council Member Ficke, to adopt a Resolution approving an amendment to Minor Use Permit UPAV06-01 with UPAV06-10, to establish an assembly use for a church by expanding into an adjacent tenant space at 150 Columbia, within the Columbia Corporate Center, subject to the Conditions of Approval, as amended and incorporated by reference in Resolution No. 2006 - 046. Motion carried unanimously, 5-0.

COUNCIL BUSINESS

None.

COMMUNITY INPUT

None.

CITY MANAGER'S REPORT

None.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

None.

Council Member Phillips

Council Member Phillips thanked Staff on the public facilities tour for the St. Mary and All Angels' kindergarten class.

Council Member Phillips requested that Council provide comments to City Engineer Whitman on the proposed design and signage of the SR-73 Corridor.

Council Member Warkowski

None.

Mayor Pro Tem Adams

Mayor Pro Tem Adams stated that OCFA has called a special meeting, but she has yet to receive the agenda package.

Mayor Vali-Cave

Mayor Vali-Cave stated that she and Council Member Warkowski attended the Orange County Division of the League of California Cities.

Mayor Vali-Cave stated that TCA met recently, but nothing new to report to Council.

CLOSED SESSION

At the hour of 7:50 p.m. the City Council recessed to Closed Session regarding:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property:	APN 632-133-03
Agency negotiator:	Mark A. Pulone, City Manager and Scott C. Smith, City Attorney
Negotiating parties:	City of Aliso Viejo and Capistrano Unified School District.
Under Negotiation:	Price and Terms of Payment

Council Member Ficke left the meeting at 8:25 p.m.

At the hour of 8:45 p.m. the City Council reconvened, with all Council Members present except for Council Member Ficke.

Mayor Vali-Cave announced that there were no reportable actions taken in Closed Session.

ADJOURNMENT at 8:46 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Carmen Vali-Cave
Mayor