

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
October 19, 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 7:03 p.m. on Wednesday, October 19, 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 October 14, 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. Assistant to the City Manager/City Clerk Robinson reported that Council Member Adams had an excused absence from this meeting.

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

Absent: Council Member Cynthia D. Adams

PLEDGE OF ALLEGIANCE

Captain Rollinight, Jr., Reserve U.S. Marine Corp, led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Warkomski presented Certificates of Recognition to the Seniors All Stars Baseball Team 2005 for winning the championship in District 55 of Little League. Team Manager Dirk Lindley gave a brief overview of the team's accomplishments and success to date. He thanked Council for the recognition.

Mayor Warkowski invited Community Services & Special Projects Manager Wilson and Aliso Viejo Branch Librarian Hilary Keith to inform the Council of the new pilot program, Kid Builder's Program, for which materials are available at the FRC and Library at no charge. The program consists of two books full of helpful tips for parents of children from ages 0-5. The books were distributed to the Council.

Captain Rollinight, Jr., Reserve U.S. Marine Corp, and Heidi Bazansky, Administrator for the Don Juan Avila School, presented plaques of appreciation for the 2004 Toys for Tots Program. Captain Rollinight explained the goal for this year was to provide Christmas toys to those children who suffered through the Hurricane Katrina disaster. He thanks Council Member Ficke and Lt. Paddock for their ongoing support.

PROCLAMATIONS PRESENTED ELSEWHERE

Assistant to the City Manager/City Clerk Robinson stated the following Certificates were presented: Recognition to Safeco Insurance for their grant to Iglesia Park; 10-year certificate to Celebration Church @Aliso Viejo; a proclamation declaring October 15, 2005 as White Cane Safety Day; and a proclamation declaring October 20, 2005 as Lights on Afterschool Day.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Council Member Phillips and seconded by Mayor Pro Tem Vali-Cave to approve the Consent Calendar as described below. Motion carried unanimously, 4-0, with Council Member Adams being absent from the meeting.

1. **Waive the Reading of All Ordinances**

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

2. **Minutes – September 21, 2005 Adjourned Meeting**

Approved the Minutes as submitted.

3. **Minutes – September 21, 2005 Meeting**

Approved the Minutes as submitted.

4. **Minutes – September 28, 2005 Adjourned Meeting**

Approved the Minutes as submitted.

5. **Minutes – September 29, 2005 Adjourned Meeting**

Approved the Minutes as submitted.

6. **Minutes – October 3, 2005 Adjourned Meeting**

Approved the Minutes as submitted.

7. **Minutes – October 11, 2005 Adjourned Meeting**

Approved the Minutes as submitted.

8. **Warrants**

1. Ratified warrants issued September 15, 2005 in the amount of \$91,375.49;
2. Ratified warrants issued September 22, 2005 in the amount of \$629,359.18;
3. Ratified warrants issued September 29, 2005 in the amount of \$76,113.31; and
4. Ratified warrants issued October 6, 2005 in the amount of \$101,791.28.

9. **Treasurer's Statement – August 2005**

Approved the August 2005 Treasurer's Statement.

10. **Benefits Resolution**

RESOLUTION NO. 2005 - 051

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

Adopted Resolution No. 2005 – 051 a Resolution of the City Council of the City of Aliso Viejo, California, adopting a benefit schedule for non-represented employees.

11. Ordinance on Purchasing Procedures

ORDINANCE NO. 2005 - 079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING ARTICLE 2, DIVISION 4 OF TITLE 1 AND RESCINDING DIVISION 8 OF TITLE 1 OF THE ORANGE COUNTY CODE AS ADOPTED BY THE CITY OF ALISO VIEJO CONCERNING PURCHASING PROCEDURES

Adopted Ordinance No. 2005 - 079, amending Article 2, Division 4 of Title 1 and rescinding Division 8 of Title 1 of the Orange County Code as adopted by the City of Aliso Viejo concerning purchasing procedures.

PUBLIC HEARING

12. American Zettler, Inc. Site Development Permit

RESOLUTION NO. 2005 - 052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE SITE DEVELOPMENT PERMIT SDP05-09 FOR AN ADDITION TO THE EXISTING BUILDING AT 75 COLUMBIA WITHIN THE PACIFIC PARK 1 BUSINESS PARK

Consulting Case Planner Lawrence gave a brief background from the staff report.

Discussion ensued regarding having the item continued in order to review drawings received at the dais that evening, and compliance with water quality issues.

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

Applicant Jon Lundstrom questioned the purpose for the condition regarding enclosed trash containers. He urged the Council to consider this item tonight as he thought it unfairly penalized the Applicant.

Further discussion ensued regarding the current tenants, the increase of space for warehousing needs, the plans accounting for the necessary parking spaces when the interior building was increased, the noticing requirements for plans being delivered this evening, and the need to fully review the project in its entirety.

A MOTION was made by Council Member Phillips and seconded by Council Member Ficke, to to continue the Public Hearing to November 2, 2005. Motion carried unanimously, 4-0, with Council Member Adams being absent from the meeting.

13. Ventana Ridge Site Development Permit

RESOLUTION NO. 2005 – 053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP TTM 16881, TO CREATE 15 NUMBERED AND LETTERED LOTS FOR RESIDENTIAL USES

RESOLUTION NO. 2005 – 054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE SITE DEVELOPMENT PERMIT SDP05-10 TO DEVELOP 12 SINGLE-FAMILY RESIDENTIAL UNITS ON 1.912 ACRES OF TTM 16881 TOGETHER WITH COMMON AREA LANDSCAPE AREAS

Consulting Case Planner Rake gave a brief background from the staff report.

Discussion ensued regarding which homeowners association would be used, the fact that a new homeowners association would be formed, the current discussion with AVCA to join the masters association, the in-lieu contribution for the connection of the trails from the Golf Course across the Mormon Church property, the landscaping on each lot, the common area being landscape and maintained by the future HOA, the specific fencing around the properties, the description of the entrance gate, the need to condition the property for water quality issues, the water quality plan being developed for approval of the City Engineer, and the need for the condition to be placed requiring every rear elevation has some articulation.

Applicant Ben Anderson introduced the team on this Development Agreement. He appreciated the work done by Staff and the City. He agreed with the conditions placed in the Resolution and the ones added tonight. He summarized the fencing around each property and the perimeter. He stated that they are working closely with Emerald Venture Group on construction issues.

Dr. Manish Marolia, an Aliso Viejo resident, stated that he had reviewed the project and was in support of the project. He stated that there was a need for larger houses because of families increasing in size, to capture the excellent views, and that the surrounding property values will increase.

Evelyn Tan, an Aliso Viejo resident, stated that she worked and lived in the City and has seen the community grow over the years. She also had reviewed the project and thinks it will be good use of the land and supports the project.

Diane Cirignani, an Aliso Viejo resident, stated that she reviewed the plan as well as Emerald Ventures' project. As a realtor, she stated that both projects would be beneficial to the City.

Kathleen Tahilramani, an Aliso Viejo resident, felt that the project would be good for the community, but had not studied the plans. She had specific questions regarding view obstruction on the surrounding properties. She submitted a letter, which was directed to the Planning Director for response.

Further discussion ensued regarding the additional conditions added, the compliance with water quality issues, the rear articulation, the landscaping near the wall located at Skylark and Eastwing, and the need to have the plans with proper directional arrows (N/E/S/W).

A MOTION was made by Council Member Phillips and seconded by Mayor Pro Tem Vali-Cave, to adopt both resolutions with the following conditions: compliance with water quality issues; the rear articulation; and the landscaping near the wall located at Skylark and Eastwing:

1. Resolution No. 2005 - 053 approving the Tentative Tract Map TTM 16881, to create 15 numbered and lettered lots for residential uses; and
2. Resolution No. 2005 - 054 approving Site Development Permit SDP05-10 to develop 12 single-family residential units on 1.912 acres of TTM 16881 together with common area landscape areas.

Motion carried unanimously, 4-0, with Council Member Adams being absent from the meeting.

14. Canyon View for Gate Entrance

City Engineer Whitman gave a brief background from the staff report requesting a continuance on the item for posting requirements in the area.

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

A MOTION was made by Council Member Phillips and seconded by Council Member Ficke to continue the public hearing to November 2, 2005. Motion carried unanimously, 4-0, with Council Member Adams being absent from the meeting.

15. Aliso Commons Specific Plan

Planning Director Garcia gave a brief background from the staff report requesting a continuance to complete last minute details to the Development Agreement and Specific Plan.

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 the public hearing to November 2, 2005. Motion carried unanimously, 4-0, with Council Member Adams being absent from the meeting.

COUNCIL BUSINESS

16. Final Map on Emerald Venture – Glenwood

RESOLUTION NO. 2005 – 055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING FINAL TRACT MAP FTM 16969, TO ESTABLISH 354 LETTERED AND NUMBERED LOTS AND CONSTRUCT 502 DWELLING UNITS, A COMMUNITY CONFERENCE AND AQUATIC CENTER WITH THREE POOLS, AND A NEW CLUBHOUSE FACILITY

City Engineer Whitman gave a brief background from the staff report stating the outstanding technical issues but that he was confident they would be completed and that the Mylar would not be signed until he was satisfied.

City Attorney Smith answered a question from Council that each recognizable interest in the property has a place for a signature on the map.

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 Mayor Pro Tem Vali-Cave, to adopt Resolution No. 2005 – 055 approving the Final Tract Map FTM 16969 to establish 354 lettered and numbered lots and construct 502 dwelling units, a community conference and aquatic center with three pools, and a new clubhouse facility. Motion carried unanimously, 4-0, with Council Member Adams being absent from the meeting.

17. **Council Policy Manual**

RESOLUTION NO. 2005 – 056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING THE COUNCIL POLICY MANUAL

Assistant to the City Manager/City Clerk Robinson gave a brief background from the staff report updating the changes since the last Council Meeting.

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

Mayor Pro Tem Vali-Cave made specific changes to individual policy wording and/or clarification of the specific policies. After discussion, those changes will be reflected in the Council Policy Manual being distributed to each Council Member and Department Head.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Ficke, to adopt Resolution No. 2005 – 056, adopting the City Council Policy Manual as amended, and to bring back Policy 400-02 for further review and approval. Motion carried unanimously, 4-0, with Council Member Adams being absent from the meeting.

18. **Measure M Extension Policy Discussion**

City Engineer Whitman gave a brief background from the staff report. He stated that there was a general change at the subcommittee level to increase the turnback percentage to the cities as high as 28%, but that it was only a recommendation at this time.

Discussion ensued regarding adding more city projects to the master list for consideration, the needs of the North Orange County versus South Orange County, the number of deteriorated streets in North Orange County, the justification from the Engineer on the need for certain projects on the list, and the question if projects suggested have additional study before the allocation of funding to demonstrate the need in the community.

OCTA Representative Dave Simpson stated that he could not answer that question on additional studies for proposed projects, but he would provide an answer after he researched the item further.

Discussion ensued regarding the political issue, the logical solution for solving transportation problems, that the criteria and program for extension of Measure M has not been established, the example of a project that would not be considered in the first Measure M that was on the list for the extension

of Measure M, competing against other cities, the review of match levels, and that lower match levels were more appealing.

Mayor Pro Tem Vali-Cave stated that her request for putting this item on the Agenda still needed to be discussed. She stated that the survey completed and submitted to OCTA was not the best collaborative effort of the Council. She reviewed the list and suggested that other projects needed in the community should be added and that voters may see the need as well. She felt that getting support from other City Councils would be beneficial. She wanted direction from Council in how to participate at the next subcommittee meetings when discussing transit issues/projects in November.

Mayor Pro Tem Vali-Cave wanted to better understand where the residents were traveling to work. She suggested using a survey on GovPop or other ways to interact with the community on this issue. She suggested looking at the problem on a more regional level.

Further discussion ensued regarding other projects on this list were street-related and wanted to know about other transportation issues, such as shuttle, pedestrian bridges, etc., the possibility of adding toll roads to the list which was previously excluded from Measure M, concerns for the extension of Measure M, the survey conducted, the need to solve the congestion problem, finding creative ways to solve the problem without building a project, the study conducted by DOT, whether OCTA has data available, the question on whether to have a workshop on this issue, the needs to gather support from other cities on certain projects, the need to act now at the subcommittee level in changing the discussion to a more regional level perspective.

Mayor Warkowski requested direction from Council. OCTA Representative Dave Simpson gave a timeline on the subcommittees for the Measure M Supercommittee. Mayor Pro Tem Vali-Cave made a suggestion on how to proceed in the subcommittee and received consensus from the Council to continue the process as needed. Mayor Pro Tem Vali-Cave stated that she will provided the City Clerk with material for distribution.

COMMUNITY INPUT

Sharon Murray stated that she was writing a book titled, Stories of near misses at Westridge Drive and Oakview Drive. She provided some examples of near miss incidents involving pedestrians and vehicles in the area. They suggested some solutions to alleviate the problem. She submitted the other written comments to the City Clerk. Lastly, she questioned what the requirements were for an upcoming party at the park.

CITY MANAGER'S REPORT

Nothing to report.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Nothing to report.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave addressed the comments of the speaker and concurred that it was the speed of the drivers. She did not know if engineering solutions would solve the problem, but that the City was looking into the matter.

Mayor Pro Tem Vali-Cave stated she attended the League of California Cities Conference and enjoyed the General Session on the "Live Within Our Means" Proposition. She stated that the League of California Cities voted and will be supporting Proposition 76.

Mayor Pro Tem Vali-Cave stated that the Measure M Supercommittee met today with both subcommittees. She stated that the infrastructure committee would meet next month to discuss the transit portion. In December, Staff was supposed to bring forward a draft Infrastructure Plan.

Mayor Pro Tem Vali-Cave reported that the Orange County Register listed Aliso Viejo as the third safest City in the County, the 11th safest in the State, and ranks 266 nationwide, which should be in the newspaper clippings.

Council Member Phillips

Council Member Phillips stated that he and Mayor Pro Tem Vali-Cave met on the Glenwood Management Agreement, which should be forthcoming to Council. He added that they were still working on the Aliso Commons Development Agreement.

Council Member Phillips met with Council Member Adams and Staff regarding the fifth year anniversary celebration, which conceptual ideas will be forward to Council for some feedback.

Mayor Warkowski

Mayor Warkowski requested and received consensus to place on the November 16 agenda the item regarding signing the US Mayor Climate Protection Agreement on air quality and global warming.

CLOSED SESSION

None.

ADJOURNMENT at 9:15 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Karl P. Warkowski
Mayor