

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
December 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 7:09 p.m. on Wednesday, December 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 7:00 p.m. on December 2, 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

Chief of Police Services Lt. Rich Paddock led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

City Engineer Whitman introduced Dean Ruffridge, Senior Vice-President of CR&R, the City's Solid Waste Franchisee. He introduced Maria Lazaruk and Rosalie Wagner who were present. Rosalie Wagner gave a presentation on the changes and additions to the City's Franchise Agreement.

PROCLAMATIONS PRESENTED ELSEWHERE

Assistant to the City Manager/City Clerk Robinson stated that Certificates of Recognition would be presented to the 2005 Majors Little League Team for winning both championships in District 55 and Section 5 of the Little League on January 4, 2006.

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, 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 – November 16, 2005 Meeting

Approved the Minutes as submitted.

3. Warrants

1. Ratified warrants issued November 10, 2005 in the amount of \$27,941.06;
2. Ratified warrants issued November 17, 2005 in the amount of \$500,036.27; and
3. Ratified warrants issued November 29, 2005 in the amount of \$40,860.56.

4. Treasurer's Report – October 2005

Approved the October 2005 Treasurer's Statement.

PUBLIC HEARING

5. Public Hearing to consider Appeal of Planned Sign Program Application SPP05-01 for installation of identification signs for Canyon Villas Condominiums, located at 23412 Pacific Park Drive. Appeal submitted by Outdoor Dimensions representing Regis Homes

Planning Director Garcia gave a brief background from the staff report. She stated that the Applicant took down non-conforming signs and replaced them with new temporary signage. She stated that Staff was agreeable to allow the temporary signage until the matter was resolved and recommended a continuance of this item.

Timi Hallem from Manatt, Phelps and Phillips, legal counsel for the Applicant, gave her presentation. She stated that the Applicant had not conceded that

the Applicant lost the non-conforming status of the signage. She stated there was a name change and they were replacing signage. She stated the Applicant wanted five signs and reiterated the need to have one located on the wall at the intersection of Aliso Creek Road and Pacific Park Drive.

Discussion ensued regarding location of the signs, the Applicant's goals regarding signage, the issue of sign backing, the variance process, the question of the square footage on each sign versus the total square footage, the support of a continuance for the reason that the agenda item was delayed in its delivery, the apparent marketing needs for-rent apartments as compared to owner-occupied condominium projects, and the Applicant's concern about mobility and traffic convenience.

Mark Hiller spoke about his concerns on the signage. As the Chair of the AVCA's Master Architecture Committee (MAC), he stated that the understanding of the Committee was that the signs were temporary and they did not understand the size being as large as it is today, even as temporary signs. He stated that the Applicant needs review and approval of permanent signs by MAC as well as the City. As a member of the DRC, he stated that the DRC was working within the statute, which he stated was not confusing or unclear. He informed Council that the DRC provided the most leeway possible under the statute. As a homeowner, he stated that the signs were bigger than they use to be. He urged Council not to set precedence, and urged Council to deny the size and amount of signs being requested.

Mayor Warkomski closed the public hearing. He asked if Council had any further questions or discussion on this issue.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to continue this item to January 4, 2006.

Further discussion ensued regarding clarification of Staff's recommendations and the extension of the temporary signage.

Motion on the floor carried unanimously, 5-0.

A MOTION was made by Council Member Ficke and seconded by Council Member Adams, to extend the Applicant's temporary signage permits until the next Council Meeting.

Further discussion ensued regarding if the Applicant placed the signs prior to pulling the permit.

Motion on the floor carried as follows:

AYES: Council Members Adams, Ficke, Phillips, and Mayor Warkomski.

NOES: Mayor Pro Tem Vali-Cave.

ABSTAIN: None.

ABSENT: None.

A MOTION was made by Mayor Pro Tem Vali-Cave but was not seconded to have Staff review the ordinance.

Discussion ensued regarding the intent of square footage was clear to the Ad Hoc Group being the total maximum square footage of all signs. City Attorney Smith stated that a clarification between the difference of commercial residential and residential signage would be useful for long-term purposes. Attorney Smith stated that Council could interpret structure versus backing with this application and without amending the Code. Planning Director Garcia stated that she would bring back to Council some clarifying language expressing the Council's intent.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Mayor Warkomski, to direct Staff to look at the ordinance and bring back a staff report that addresses this project and whether a variance would be required. In Addition, Staff was directed to make recommendation to changes in the ordinance that accomplishes the Council's long-term goals. Motion carried unanimously, 5-0.

COUNCIL BUSINESS

6. Comprehensive Annual Financial Report (CAFR)

Financial Services Manager Tharani gave a brief background from the staff report. She stated that the City had fared very well since incorporation. She mentioned that the General Fund's actual resources available for appropriation (revenue inflows) exceeded the final budget by \$1,619,800 and actual appropriations (outflow) were \$821,281 less than budget. Lastly, she added that the net cost of providing Governmental Activities was \$8,453,417, and the outlook for the future was positive.

Discussion ensued regarding the fine work done, the success of the City regardless of the County and LAFCO's concerns, the forthcoming Year 8 revenue loss, and the hard work to make this City a success.

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

THE CONSENSUS by Council was to receive and file the Comprehensive Annual Financial Report (CAFR) Year ending June 30, 2005. There being no objections, the direction carried through acclamation.

7. City Council Reorganization

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.

Mayor Warkowski entertained nominations from the dais.

Nomination for Mayor

A nomination was made by Mayor Warkowski for Carmen Vali-Cave to serve as Mayor. Hearing no other nominations from the dais, Mayor Warkowski closed the nominations for Mayor.

A MOTION was made by Mayor Warkowski and seconded by Council Member Adams, to nominate Carmen Vali-Cave as Mayor for calendar year 2006. Motion carried as follows:

AYES: Council Members Adams, Phillips, Mayor Pro Tem Vali-Cave, and Mayor Warkowski.

NOES: Council Member Ficke.

ABSTAIN: None.

ABSENT: None.

Nomination for Mayor Pro Tem

Mayor Warkowski entertained nominations from the dais.

A nomination was made by Mayor Pro Tem Vali-Cave for Cynthia Adams to serve as Mayor Pro Tem. Hearing no other nominations from the dais, Mayor Warkowski closed the nominations for Mayor Pro Tem.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips, to nominate Cynthia Adams as Mayor Pro Tem for calendar year 2006. Motion carried as follows:

AYES: Council Members Adams, Phillips, Mayor Pro Tem Vali-Cave, and Mayor Warkowski.

NOES: Council Member Ficke.

ABSTAIN: None.

ABSENT: None.

Mayor Warkowski stated that he desired that more relationship building be a focus in year 2006 and for everyone to make more of a concerted effort.

8. Agency Board, Commission, and Committee Assignments

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.

Discussion ensued regarding giving Council extra time to review the list of assignments, the list of Ad Hoc Committees being included for reference purposes, the request from Staff that Council provide their preference on the Committees prior to the next meeting, and the Ad Hoc Committees were presumed lapsed unless the Committee was actively meeting.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips to continue the item to January 4, 2006. Motion carried unanimously, 5-0.

Presentation of Gavel to Mayor

Mayor Pro Tem Vali-Cave presented Mayor Warkowski with a plaque in appreciation for his term as Mayor and thanked him for his leadership and his diligence on regional and environmental issues.

City Manager Pulone thanked Mayor Warkowski for the time served. Administrative Services Manager Murray presented Mayor Warkowski with a gift from Staff, and congratulated Mayor Warkowski on a successful year. Planning Director Garcia presented a succulent plant in honor of the City's plant palette.

COMMUNITY INPUT

Michael Perry, of Smart and Perry, representing the California Renaissance Homeowner's Association, desired a letter from the City on previous work completed without a permit. He stated that this issue has been litigated. He was looking for a letter from the City indemnifying the HOA on past work.

Sharon Murray reported that she was pleased with the second sketch provided by City Engineer Whitman. She thanked City Engineer Whitman for his time. She also congratulated everyone on the reorganization.

Nancy Conley congratulated Council on their reorganization. She thanked staff for removing the illegal signage at various locations. She also provided a wish list of items she would like to see accomplished: repainting the signals at Peppertree and Pacific Park Drive; better monument signage into the City; and more trash cans in the City.

CITY MANAGER'S REPORT

City Manager Pulone thanked Council for the opportunity to serve as their City Manager, and he looked forward to a great new year.

Mayor Pro Tem Vali-Cave presented City Manager Pulone with welcome gifts from Council and Staff. City Manager Pulone thanked everyone for the warm welcome.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Council Member Ficke desired to have a proclamation presented for Toys for Tots. Mayor Warkomski, in his capacity, approved Staff to prepare a certificate.

Council Member Adams

Council Member Adams stated she attended the OCFA meeting but had nothing to report. She stated that she would be working with Staff to bring forth a Community Forum on emergency preparedness, which OCFA would provide certification to the participants.

Council Member Adams commented on the video depicting the work done in the community by the TIP program. She request that the presentation be made at a future Council meeting.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave stated that she would be attending the next TCA meeting. She stated that funds were obtained for the construction of the next phase of the Glenwood/Pacific Park interchange due to the agreement being signed with the Foothill Eastern Corridor. She stated that she was not sure if the Board will move forward with the project, but would request that they contact City Engineer Whitman to help with the design.

Mayor Pro Tem Vali-Cave described the various phases of the Glenwood/Pacific Park interchange: Phase Two being the northbound off ramp and southbound on ramp; and Phase Three being the final phase. She was still trying to convince CalTrans to eliminate the slip ramp southbound on Pacific Park and the northbound on ramp. She stated her concerns about the \$30 million dollar retaining wall. She

felt that the current configuration of the loop was working well, and felt there was not a need for an additional meter in relation to the costs. She stated that noise, costs, and slope stabilization would be issues.

Mayor Pro Tem Vali-Cave stated that she spoke to an Irvine Valley College class on the City's incorporation and spoke to a North Orange County Reporter on the same issue. She stated that the annexation proposals being processed through LAFCO might have generated this type of attention.

Council Member Phillips

Council Member Phillips stated that he and Planning Director Garcia would be attending the ULI Conference this next week.

Mayor Warkowski

Mayor Warkowski stated that Vector Control recently voted on increasing the employee's retirement benefit to 2.7% at 55. He stated that he voted in opposition and the motion failed.

Mayor Warkowski stated that he will be attending the Laguna Canyon Foundation meeting and will be updated on the new Nature Center in Laguna Canyon. He also will be attending the Great Park Meeting on December 12th when they will make some definite choices on the project design.

Mayor Warkowski stated he and Council Member Ficke will be attending the Relay for Life Organizational Meeting at City Hall on December 14th and encouraged participation from the audience.

Mayor Warkowski stated he attended a presentation from Future Strategies regarding rapid transit alternatives. He stated that he was very impressed and desired to present the technology to the Council at a later date. Mayor Warkowski thanked Staff and Council for the non-dramatic year and the accomplishments that were made. He wished everyone a happy holiday season.

CLOSED SESSION

At the hour of 8:54 p.m. the City Council recessed to Closed Session regarding:

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representatives: City Manager

Unrepresented employee(s): All Employees

At the hour of 9:22 p.m. the City Council reconvened, with all Council Members present.

Mayor Warkomski announced that there were no reportable actions taken in Closed Session.

ADJOURNMENT at 9:23 p.m. to January 4, 2006 at 7:00 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Carmen Vali-Cave
Mayor