

**ALISO VIEJO MINUTES  
CITY COUNCIL SPECIAL MEETING  
July 5, 2006**

---

**CALL TO ORDER**

The Special Meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Vali-Cave at 7:04 p.m. on Wednesday, July 5, 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 6:00 p.m. on June 30, 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**

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

**ROLL CALL**

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

Absent: Council Member Greg Ficke

**ADDITIONS, DELETIONS, REORDERING TO THE AGENDA**

None.

**COUNCIL BUSINESS**

**1. Interim Storage and Permanent Installation of AVCA-Owned Restrooms**

City Manager Pulone gave a brief background from the staff report. Mayor Vali-Cave gave an overview of the process and requested that the meeting be a discussion amongst the City Council, AVCA Board Representatives, and public.

Larry McKenney, Vice-President of AVCA, introduced himself and Ross Chun, Secretary of AVCA. He stated that the AVCA Board asked them to be the AVCA Representatives on this issue. He stated that AVCA Board had reportable action out of their Closed Session to move the restroom out of Springdale Park and Pinewood Park. He thanked the Council for offering to expedite the permit process after the sites have been approved. He proposed forming a Special Committee to discuss the matter more in depth by walking sites and utilizing criteria to find the appropriate locations. He urged Council to have some flexibility on the dates proposed as stated in the letter from the City.

Ross Chun discussed the method for community input on the proposed locations and alternate sites. He stated the process would include mailings in the radius area, documentation of feedback, conducting site visits, analyzing feedback, reporting the findings to the Parks and Recreation Committee, and final reporting to the AVCA Board. He stated that the estimated time frame is approximately 90 days.

Discussion ensued regarding whether the restrooms would remain in place for the next 90 days, the input from the community on the locations, the proposed time frame suggested from AVCA, the difficulty in resolving this issue, the feedback from the Board on proposed sites, the preliminary list of potential sites, the process of removing and relocating the restrooms, the request of a possible extension, a more accelerated timeline process, and the Board's decision to move the restrooms.

Ross Chun asked if the application process could be shortened. Mayor Vali-Cave stated that the process was governed by statute. She stated that the Springdale application was delayed because the DRC asked for additional information, which was never received. She stated that notices should be sent to the property owners and not to the property management firms. Mayor Vali-Cave asked Staff for the specific requirements of a Site Development Permit application. Consulting Planner Larry Lawrence stated that the application process is relatively simple and described the necessary items.

Planning Director Garcia stated that Staff reviews the material submitted prior to accepting the application due to the Streamline Permit Act. She stated that she had copies of the information previously provided to AVCA General Manager Gesner on both the temporary and permanent application process. She continued that once the application is deemed complete, the applicant is notified and a 10 day notice is published for the next available DRC meeting. She stated that the item must also be noticed for the Council meeting and usually is scheduled approximately one month thereafter. She gave an approximate 45 day timeframe if all information submitted by the applicant was deemed complete.

Larry McKenney asked if the process could be dovetailed on some of the processes, such as notification. Mayor Vali-Cave stated that notification from the City must be completed. Larry McKenney questioned the purpose of researching all title reports for alternate sites that may not be chosen. Mayor Vali-Cave stated her concerns about not making the deadlines.

Further discussion ensued about the time limit, possible alternative solutions to removal, relocation or returning the merchandise, the inappropriate location of a restroom at Cedarbrook, the issue of waiting for additional information from AVCA, the past practice of AVCA on these restrooms, the disappointment of not providing alternative solutions at tonight's meeting, and the opportunities in the past for AVCA to solve this issue.

Larry McKenney acknowledged the past occurrences on this issue, but stated that he wanted to move forward with this issue as cost effectively as possible. He suggested that if a process could not be worked out for permanent locations and permits, then he suggested that the City split the relocation costs. When inquired about the costs, Ross Chun stated that AVCA Staff gave him the cost estimate to move the restrooms onto a flat pad would cost \$10,000 per unit; to prepare a cement pad for installation would cost \$10,000 per unit, and approximately \$10,000 per unit to move to temporary storage excluding the rental cost for temporary storage location.

When inquired about the proposed locations, Ross Chun stated that there are approximately twelve sites that need to be evaluated. He stated that the Board has discussed the sites and listed the criteria used. He continued that there are three or four locations which have been discussed over the last six months, but he did not want to disclose them prematurely. Council Member Phillips stated that Merit Properties has the resources to submit a timely application. Ross Chun stated that he had the same inquiry to AVCA staff. He stated that the turnover time for AVCA staff to complete an application was two weeks, without community input and mailing to the radius area.

Council Member Phillips asked if AVCA would accept penalties if the process is not completed by the deadlines. Larry McKenney stated that he did not like the idea of financial penalties being incurred. He stated that both parties should move forward on the timeline with some enforceability. The submission process and the community outreach issues were discussed.

Mayor Vali-Cave questioned whether the title reports were collected when the Developer transferred title. Mayor Vali-Cave stated that information on entitlement and easements should already be on file with AVCA. Mayor Vali-Cave was concerned about the removal of the restrooms and the residents that were affected. Mayor Vali-Cave questioned the process about sharing the costs.

Further discussion ensued regarding the promises made with no follow through, the past practice of AVCA, the recommendation to submit an application on the various parks discussed, the public process on the AVCA side prior to submitting the applications, the recommendation of an Ad Hoc Working Group to monitor the process, amending an application after its submittal, the proposed locations submitted should not be too close to the residents, the request to listen to the feedback received from the public, the request to move the restroom on an interim basis, submittal of the application and finding temporary locations, the recommendation to submit an application one week after the Board meeting on Monday, the question on how to determine whether the process is moving forward, and steps for the application and building permit process.

Council recessed at 8:48 p.m.

Council reconvened at 9:03 p.m. with all Council Members present.

Tom Carpenter stated that he was asked to get involved on this issue. He has attended the AVCA meetings and this was his first Council Meeting. He stated that he did not see the same diligence at the AVCA meetings as he did tonight. He stated that in his business he has obtained permits and built buildings within a 45 day period and did not think that deadline was unreasonable.

Jerry Olson was pleased to hear that the restroom at Springdale Park would be removed, but would wait until it is actually removed. He questioned the total amount spent on the restroom issue. He stated that AVCA should remove the restrooms to establish good faith. He wanted a commitment on the date that the Springdale Park would be restored to its condition prior to the installation of the restroom.

Andy Abrecht stated that he liked the suggestion of returning the restroom to the manufacturer. He understood that the meeting was to discuss the restroom tonight but only two AVCA members could attend. He commented on the recent AVCA meetings on this issue.

Brett Goellner stated that he has been a resident since 1987. He stated that there are consequences in his plumbing business when he misses a deadline. He stated that better communication needs to occur. He stated that AVCA should be able to make a determination on when the restrooms would be removed. He stated that AVCA should pay for the mistakes they made.

Robin Goellner asked if Merit Properties was the property management firm during the entire restroom process. If so, she felt that Merit Properties should

pay for the costs for removal, temporary storage, and/or return of the restrooms to the manufacturer. She also expressed her concerns about labeling neighborhood parks as “sports parks.”

Jim Martin stated that he had a solution to the situation. He stated that if applications were submitted by the Friday after the Monday meeting, then a good faith would be shown. He also stated his concern that AVCA has not stated that there would be no litigation against the City. He stated that AVCA should submit an application and then move forward on the community input. He stated those actions were extremely important and would help with AVCA’s credibility.

Mayor Vali-Cave asked if anyone else wished to speak to the Council. There being none, Mayor Vali-Cave closed the item for public comment.

Mayor Pro Tem Adams proposed that the restrooms be moved by the deadline imposed and made the offer to temporarily relocate them to the Aliso Viejo Ranch Site if the AVCA Board makes a decision at their next Board Meeting and submits applications for permanent locations on or before July 17, 2006. She also stated the importance of community input.

Larry McKenney thanked Council for the offer and agreed to bring the offer back to the Board. He stated that at the AVCA’s July 10<sup>th</sup> meeting, the Board would discuss the locations of permanent sites and complete site development permit applications by the July 17, 2006 deadline. There was discussion that several permanent locations might be identified during the public input process and AVCA may submit several applications or amend the submitted applications after the public input period. He thought that milestones and consequences could be established for the process with the help of the City Staff. He did not know if the DRC needed to hear the item, but recommended to expedite the process. Ross Chun asked if there was Council feedback on the Creekside Park location.

Further discussion ensued regarding the concurrence of Council’s offer for temporary storage at the Aliso Viejo Ranch site, the need to consider any residents near the AV Ranch area and the request for complete screening during its temporary storage, the alternative location of the lot at the Aliso Creek Community Park on Awma Road, the confinements of limited open space in the City, a need to have a commitment from AVCA, the question on the 30 day deadline with regards to monthly meetings, the abatement process through the court system, the confirmation that the 30 day period ends on July 17<sup>th</sup> for applications being submitted, confirmation to move the restrooms by July 22<sup>nd</sup>, the need for adequate public notice and input process, the DRC public hearing process, the offer to AVCA on the temporary storage location and the need to have assurances from AVCA, the ability to enforce the nuisance if no action is taken by AVCA, the next Council

meeting being able to finalize terms and a timeline for the relocation of the restrooms, the acceptance of receiving new information at the dais for this particular issue, and a commitment needed from AVCA on the removal date of the restrooms, submitting applications for permanent locations, and their plans for the restoration of the parks.

**COMMUNITY INPUT**

There were no speakers.

**CLOSED SESSION**

There was no Closed Session.

**ADJOURNMENT** at 9:53 p.m.

Submitted By:

Approved By:

---

Susan Robinson, CMC  
City Clerk

---

Carmen Vali-Cave  
Mayor