

**ALISO VIEJO MINUTES  
CITY COUNCIL REGULAR MEETING  
May 3, 2006**

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**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 7:03 p.m. on Wednesday, May 3, 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 April 28, 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**

OCFA Battalion Chief Greg Petersen led the flag salute.

**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. Warkowski

Absent: None

**SPECIAL PRESENTATIONS**

City Manager Pulone introduced new Staff to Council providing them with a background on each Staff Member: Office Assistant Lekkina Long; Accountant Raymond Lee; Accounting Technician Ryan Smith; and Administrative Secretary Lilia Peterson. Chief of Police Services Lt. Paddock introduced Administrative Sergeant Beverly Lumm.

Mayor Vali-Cave recognized Christina Pellecchia with a Congratulatory Certificate for being selected as the Laguna Beach Boys and Girls Club 2005 Youth of the Year. Roberto Pellecchia described his daughter, Christina Pellecchia's, accomplishments.

Mayor Vali-Cave requested that Planning Director Garcia describe some of the duties performed by Serenity Ajawara who is departing from the City. Mayor Vali-Cave presented a Certificate of Appreciation to Serenity Ajawara for her service to the City as Planning Assistant. Mayor Vali-Cave suggested that Serenity Ajawara visit City Hall on occasion.

Mayor Vali-Cave requested that Chief of Police Services Lt. Paddock describe some of the duties performed by Sergeant Tony Romero who is transferring to another division of the Sheriff's Department. Mayor Vali-Cave presented a plaque to Tony Romero for his service to the City as Administrative Sergeant. He thanked Council for the opportunity to serve.

Mayor Pro Tem Adams left the dais at 7:20 p.m.

Mayor Pro Tem Adams arrived back at the dais at 7:22 p.m.

### **PROCLAMATIONS PRESENTED ELSEWHERE**

Mayor Vali-Cave stated that a proclamation declaring the month of May as Mental Health Month was mailed to the National Mental Health Association.

Mayor Vali-Cave stated that a Certificate celebrating the Tenth Anniversary of Oak Grove Elementary School will be forwarded to Oak Grove Elementary School.

Mayor Vali-Cave stated that a Certificate celebrating the Forty-fifth Anniversary of Bristol Park Medical Group was delivered to Bristol Park Medical Group.

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

None.

### **ANNOUNCEMENT OF CLOSED SESSION**

City Attorney Smith announced that Council gave direction to negotiate a purchase agreement for 12 Journey in the last Closed Session meeting, which has now been completed. He stated that the motion carried unanimously, 5-0.

### **CONSENT CALENDAR**

**A MOTION** was made by Council Member Phillips and seconded by Council Member Ficke, to approve the Consent Calendar as described below.

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

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

2. **Minutes – April 19, 2006 Workshop Meeting**

Approved the Minutes as submitted.

3. **Minutes – April 19, 2006 Meeting**

Approved the Minutes as submitted.

4. **Warrants**

1. Ratified warrants issued April 13, 2006, in the amount of \$157,399.36; and
2. Ratified warrants issued April 20, 2006, in the amount of \$770,712.39.

5. **Treasurer's Statement - March**

Approved the March 2006 Treasurer's Statement.

6. **Annual Financial Audit Contract FY 2005-06 and FY 2006-07**

Authorized the Mayor to execute a second amendment to the agreement for auditing services with Mayer Hoffman McCann P.C and a third amendment to the agreement for financial auditing services for fiscal years 2005-06 and 2006-07 for an amount not to exceed \$ 46,136.

7. **Contract Amendment – Computer Services Company**

1. Approved an amendment to the existing agreement with Computer Services Company (CSC) to provide traffic signal maintenance for an additional one-year period; and
2. Directed City Manager to execute an amendment to the agreement in an amount not to exceed \$100,000.

8. **Appropriate Funds for City Hall Space**

Authorized the appropriation of \$180,000.00 from the General Fund Unreserved Fund balance for expenses related to the acquisition of City Hall space.

## PUBLIC HEARING

9. **Tentative Parcel Map 2006-132, for the conversion of a two-story, four-tenant, 18,000 square foot office building located at 32 Journey, into four (4) air-space Condominium Ownerships**

RESOLUTION NO. 2006 - 014

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

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

Discussion ensued regarding the current zoning, anticipated future uses, parking requirements, conditions for water quality, the requirements from the Water Quality Regional Board, the need to separate utilities, the answer that if utilities can be divided then Staff would create such a condition, parking on the streets, the current situation of no parking on Journey, the possibility of a condition being placed for no parking for clients or employees on the street, the condition to add refuse collection and ash trays outside both entrances, the question about the condition regarding private improvements on easements, and the CC&R requirements for the maintenance of common areas.

Mayor Vali-Cave opened the item for public testimony. There being none, Mayor Vali-Cave closed the item for public testimony.

Discussion ensued regarding water quality issues, review of the runoff irrigation plan and NPDES including overspray and non-drip irrigations, and the Irrigation Plans being reviewed on projects that require grading or changes in landscaping.

**A MOTION** was made by Council Member Phillips, seconded by Council Member Ficke, to adopt Resolution No. 2006 – 014 approving a request by Park Pacific Properties, LLC for the conversion of a two-story, four-tenant, 18,000 square foot office building located at 32 Journey, into four (4) air-space condominium ownerships with additional conditions to include: no parking for employees and clients on the street; and adding refuse collection and ash trays containers at both entrances. Motion carried unanimously, 5-0.

10. **SITE DEVELOPMENT PERMIT-- SDP05-11**, a request to develop 2,640 sq.

ft. drive-thru restaurant (Taco Bell) with seating for 104 customers (64 interior, 40 patio) to be located between Enterprise and the existing Aliso Creek Road access drive to Lowe's home center.

**CONDITIONAL USE PERMIT—UPV06-05**, a request to allow a drive-thru order pick-up window at the proposed Taco Bell restaurant designated as Site Development Permit SDP05-11.

**SITE DEVELOPMENT PERMIT—SDP05-12**, a request to develop a 13,000 sq. ft. drug store (CVS) to be located at the northwest corner of Enterprise and Aliso Creek Road.

**CONDITIONAL USE PERMIT—UPV06-06**, a request to allow two drive-thru pick-up lanes for pharmacy items only at the proposed CVS drug store designated as Site Development Permit SDP05-12.

**SITE DEVELOPMENT PERMIT—SDP05-13**, a request to develop a 30,739 sq. ft. multi-tenant building of shops, food market, and restaurants to be located on the north side of Enterprise, west of Aliso Creek Road.

**TENTATIVE TRACT MAP—TTM16838**, a request to establish five (5) retail commercial, one (1) lettered non-buildable, and one (1) residential lot to implement The Commons at Aliso Viejo, also known as Specific Plan No. 2.

#### RESOLUTION NO. 2006 - 015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT SDP05-11 TO DEVELOPMENT A 2,430 SQ. FT. FAST FOOD RESTAURANT WITH A DRIVE-THRU, INCLUDING SEATING FOR 104 CUSTOMERS (64 INTERIOR, 40 PATIO), AS PART OF PHASE II OF SPECIFIC PLAN NO. 2 ALISO COMMONS AT TOWN CENTER

#### PROPOSED RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV 06-05 FOR ESTABLISHMENT OF A DRIVE-THRU LANE AND FOOD ORDER/PICK-UP WINDOW FOR A FAST-FOOD RESTAURANT AT ALISO COMMONS AT TOWN CENTER (SPECIFIC PLAN NO. 2)

RESOLUTION NO. 2006 - 016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT SDP05-12 TO DEVELOPMENT A 13,000 SQ. FT. DRUG STORE WITH TWO DRIVE-THRU LANES FOR PHARMACY PICK-UP TO BE LOCATED AT THE NORTHWEST CORNER OF ENTERPRISE AND ALISO CREEK ROAD, AS PART OF PHASE II OF SPECIFIC PLAN NO. 2 ALISO COMMONS AT TOWN CENTER

RESOLUTION NO. 2006 - 017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV06-06 FOR ESTABLISHMENT OF TWO (2) DRIVE-THRU LANES AND WINDOWS FOR ORDERING AND PICK-UP OF PHARMACEUTICAL ITEMS ONLY AT A RETAIL DRUG STORE AT ALISO COMMONS AT TOWN CENTER (SPECIFIC PLAN NO. 2)

RESOLUTION NO. 2006 - 018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT SDP05-13 TO DEVELOP A 30,739 SQ. FT. MULTI-TENANT BUILDING OF FOOD MARKET, SHOPS AND RESTAURANTS TO BE LOCATED ON THE NORTH SIDE OF ENTERPRISE WEST OF ALISO CREEK ROAD, AS PART OF PHASE II OF SPECIFIC PLAN NO. 2 ALISO COMMONS AT TOWN CENTER

RESOLUTION NO. 2006 - 019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP TTM 16838, TO ESTABLISH 7 LETTERED AND NUMBERED LOTS AND CONSTRUCT A FAST FOOD RESTAURANT, A DRUG STORE, A GROCERY STORE, A COMMUNITY CENTER, A PARK, SEVERAL COMMERCIAL UNITS, 140 RESIDENTIAL UNITS AND A PARKING STRUCTURE

Consulting Planner Loftus gave a brief background from the staff report and a brief history of the project. He stated that the Applicant requested the Tentative Tract Map be heard first due to the late arrival of the Project Manager.

Tentative Tract Map

Consulting Planner Loftus stated the Tentative Tract Map conditions are similar as the Site Development Permit Resolutions. He referred to the Operating Memorandum No. 1 that was provided to the Council at the dais.

He stated that the memorandum was signed by the Applicant regarding the condition on parking requirements. He suggested incorporating the information on the memorandum onto the Tentative Tract Map. He stated that the Applicant would be responsible for the median improvements. He stated that this condition was not on the map but was acceptable to put on the map. He stated that the Tentative Tract Map divides the property into 6 developable lots with an access point, which are consistent with the Site Plan layout, development scenario plan and adopted Specific Plan and Development Agreement.

Discussion ensued regarding the issue of approving the map prior to working through the issues, the issue with parking encumbrances on Lot 5, the parking analysis previously conducted, the parking and access easement across the entire property, the reluctance of Lowe's to allow the parking across the entire lot, the Taco Bell and CVS developments have adequate parking, the marketplace not having adequate parking, the surety of parking on Lot 5, the potential encumbrances on Lot 5, Staff's recommendation for a new appraisal on Lot 5 to take into account the encumbrance of parking, the value of Lot 5, no guarantee for parking at the marketplace, the irrevocable parking and access easement, the obligation of the Developer to construct a Community Center and other public improvements under the Development Agreement, the security of \$2.5 million dollars in the event the Developer does not perform, the direction to the appraiser to appraise the property for underground or tier parking to accommodate all parking needs, so that Lot 5 could stand alone for its ability to be developed and parking requirements, the delta difference for parking, if more time would be needed in order to continue the negotiation with Lowe's, the conditions added into the resolution for the alternates available, the City wanted to be protected through the process, Staff's desire to have the irrevocable parking and access easement or the Developer has to satisfy the Development Agreement language relating to surety, a recommendation from Staff for Council to accept any appropriate surety, the Developer's problem not being solved, the previous agreement with Lowe's on the dedicated parking, the community parking in a Center, the parking arrangement made was not a customary arrangement in a Center, the required parking spaces may or may not be enforced by Lowe's, Staff not being involved in the negotiation process between the Lowe's and the Developer, the situation in Irvine and other locations with a Lowe's located in the Center where communal parking is available, information on the 80 spaces, the Specific Plan being the zoning, the notes on the Tentative Tract Map, questions on the notes located on the Map, if not binding or valid notes then remove them from the Map, the possible rewording of the Map, and the request from the Developer to include all notes from the Preliminary Report on the Map.

Council Member Philips left the dais at 8:24 p.m.

Council Member Phillips arrived back at the dais at 8:26 p.m.

Paul Rothenberg, Consultant to the Developer, answered questions regarding the notes on the Tentative Tract Map.

Further discussion ensued regarding the parking when Lot 5 is being constructed, the temporary and long-term parking issues, the scenario if the project is not completed, if there will be parking agreements with Lowe's during the construction phase, and the encumbrances.

Steve Delson, Consultant for the Developer, addressed the issues of collateral and parking. He stated that he was speaking on behalf of the Owners and agreed to offer the funds of \$2.5 million dollars to alleviate the City's concerns. Mr. Delson continued regarding the Lowe's parking agreement. He stated that there were studies conducted at other centers and the Code's parking requirements exceeds the actual parking needs and stated that parking will not be an issue. He reminded the city of the valet parking for the Center. The Developer's intent to develop Phase 3 by submitting plans is a show of good trust. He proposed on behalf of the developer to satisfy the provisions of the Development Agreement of \$2.5 million dollars of cash be posted as security to the City.

Mayor Vali-Cave opened the item for public testimony.

Sharon Murray stated that if a certain amount of spaces are required, then the number of spaces should be met. She stated that the existing Town Center is already crowded. She asked if Lowe's was paying for the spaces. Ms. Murray thought that the community benefits were earlier in the development. She asked where the substation and public restrooms would be located.

Mayor Vali-Cave closed the item for public testimony.

Mayor Vali-Cave asked Mr. Delson about temporary parking during Phase 3. He responded that there are agreements with CVS and Lowe's. She asked if there would be temporary parking understanding during Phase 2. He responded affirmatively.

Further discussion ensued regarding posting a cash deposit before pulling a building permit. Both Mr. Delson and City Attorney Smith concurred. Mayor Vali-Cave asked about parking, if Phase 3 is not built, will there be adequate parking without utilizing Lowe's dedicated parking spaces. Planning consultant Loftus stated that Lot 5 will serve as the dedicated parking for the Marketplace in Phase 2 to provide the numerical count for parking.

Council Member Warkowski left the dais at 8:55 p.m.

Council Member Warkomski arrived back at the dais at 8:56 p.m.

Council Member Ficke left the dais at 8:56 p.m.

Council Member Ficke arrived back at the dais at 8:58 p.m.

Further discussion ensued regarding resolving outstanding parking issues before the item is reviewed by Council, the universal concerns on the resolutions, such as bus shelter, visibility of rooftops, maintenance of community property, the word "adjacent" being modified in the memo distributed tonight to add where feasible or practical, continuity of landscaping between properties, the use of pavers, the medians on Enterprise and Aliso Creek Road being paid by the Developers, definition of motorcycles to be more descriptive, vehicles be screened from view, displays out front for Lowe's and not for other tenants, the bollards or slight slopes, specific design of the conditions, the parking issue not being resolved, a question to the City Attorney if Lot 4 is using Lot 5 for parking and if Phase 3 does not come to fruition, can a bond for improvements be posted for Lot 5, improvements on the entry way, the entry way covered by two lots and requesting the City Attorney advisement to make sure that is included in the CC&Rs.

Mayor Vali-Cave moved the item to the common marketplace issues.

#### Site Development Permit for the Marketplace

Discussion ensued regarding the six handicap parking spaces adjacent to the marketplace be pulled back to eliminate the situation like Bank of America in Town Center, the walkability issues on Enterprise, the wall by the trash enclosures, the detail on the stones and the transition to the side of the building, and the 60 feet of unpaved area as depicted on the Plans.

Mr. Delson stated that the Developer will yield to the Council's desire on the handicap spaces in front of the marketplace, the area behind the building will not be connected to the pedestrian walkways and will be landscaped and possibly gated to prevent pedestrian access to the rear of the marketplace buildings. Mr. Glenn Pierce, architect for the developer, answered the other questions from Council. He stated that the height of the wall on the plans is six feet but it is on a slope. He stated that the wall will vary in height and will screen the trucks. He stated that the slope is heavily landscaped. The wall will be a backdrop of the landscaping. He did not think the height of the wall would be an issue. Paul Rothenberg stated that the height of the wall could be Council's discretion. Council Member Phillips wanted the Planning Director's discretion to review engineering and landscape plans of the wall and that the Developer will landscape areas that are currently not landscaped. Mr. Delson stated that the entryway showing the stones on the

Plans will be wrapped. Mr. Pierce stated that the stone will wrap around the tower and showed the color scheme and material boards for the project. Mr. Pierce stated the stone wall will warp around the signage, "Growers Direct."

Council Member Ficke left the dais at 9:35 p.m.

Council Member Ficke arrived back at the dais at 9:36 p.m.

Council Member Ficke left the meeting at 9:38 p.m.

Further discussion ensued regarding adding a stairwell on the slope, the ADA regulations, Lowe's rooftops, screening of rooftops, bike rack location, the quantity of the bicycle stalls and bench orientation, the wording of a community bulletin board versus wiring for an interactive kiosk, the memorandum reflecting a few changes that Mayor Vali-Cave and Staff suggested as additional conditions to the resolutions, and the various styles of signage on each marketplace area.

Mr. Delson addressed the conditions which he wanted to discuss. He addressed the quantity of motorcycle spaces and bicycle lockers to be reduced and to give the authority to work with the Planning Director to come to an agreement. Consulting Planner Loftus stated that the item was listed in the Specific Plan, but a number was not given.

**A MOTION** was made by Council Member Phillips and seconded by Council Member Warkomski, to approve Site Development Permit SDP05-13 to develop a 30,739 sq. ft. multi-tenant building of food market, shops and restaurants to be located on the north side of Enterprise West of Aliso Creek Road, as part of Phase II of Specific Plan No. 2 Aliso Commons at Town Center, as amended and incorporated by reference in Resolution No. 2006 – 018. Motion carried unanimously, 4-0 with Council Member Ficke absent from the meeting.

#### Tentative Tract Map

Discussion ensued regarding the enhancement of landscaping on Phase 1, and the problem of trash enclosure in the back of Lowe's. Planning Consulting Loftus addressed the condition of trash enclosures in the Operating Memorandum Number One. He recommended the conditions be placed on the Site Development Permits. He suggested adding Operating Memorandum Number One be listed on the Tentative Tract Map.

**A MOTION** was made by Council Member Phillips and seconded by Mayor Pro Tem Adams, to approve Tentative Tract Map TTM 16838, to establish 7 lettered and numbered lots and construct a fast food restaurant, a drug store, a grocery store, a community center, a park, several commercial units, 140 residential units and a parking structure, as amended and incorporated by reference in Resolution No. 2006 – 019. Motion carried unanimously, 4-0 with Council Member Ficke absent from the meeting.

**A MOTION** was made by Council Member Phillips and seconded by Council Member Warkomski, to reconsider Site Development Permit SDP05-13. Motion carried unanimously, 4-0 with Council Member Ficke absent from the meeting.

**A MOTION** was made by Council Member Phillips and seconded by Council Member Warkomski, to approve Tentative Tract Map TTM 16838, to establish 7 lettered and numbered lots and construct a fast food restaurant, a drug store, a grocery store, a community center, a park, several commercial units, 140 residential units and a parking structure, as amended and incorporated by reference in Resolution No. 2006 – 019. Motion carried unanimously, 4-0 with Council Member Ficke absent from the meeting.

Site Development Permit for Taco Bell

Discussion ensued regarding a pedestrian pathway to Taco Bell, the view not being utilized for the patio seating, landscaping issues, the revisions through the operating memorandum, and trash enclosures with solid roofs.

Applicant Steve Siglin stated for the record that there are three conditions that the Developer needs to complete before Taco Bell can receive a Certificate of Occupancy: connection of 73 off ramp, the pedestrian promenade, WiFi zone, and the previous conditions placed on Lowe's. He stated that the Applicant is burdened by these and will enter into an amendment to the agreement in the event that Taco Bell is unable to get a Certificate of Occupancy due to the Developer not completing obligations outside of the scope of Taco Bell. City Attorney stated that it was part of the underlining zoning and bonding. Council deliberated over the private agreement between the developer and the owner of Taco Bell. Mr. Delson stated that an agreement was formed and he spoke on behalf of the Developers. He stated that the Applicant was stating their position for the record.

Further discussion ensued regarding the landscaping on Aliso Creek Road and the dilapidated sidewalks in the area. Mr. Delson stated that he will contact AVCA to see if the landscaping in the area can be kept up. Mayor Vali-Cave stated that Council will be reviewing a landscaping plan in the future for this site.

**A MOTION** was made by Council Member Phillips and seconded by mayor Pro Tem Adams, to approving Site Development Permit SDP05-11 to development a 2,430 sq. ft. fast food restaurant with a drive-thru, including seating for 104 customers (64 interior, 40 patio), as part of Phase II of Specific Plan No. 2 Aliso Commons at Town Center, as amended and incorporated by reference in Resolution No. 2006 – 015. Motion carried unanimously, 4-0 with Council Member Ficke absent from the meeting.

Conditional Use Permit for Taco Bell

Discussion ensued regarding the revocability of the Conditional Use Permit in the Operating Memorandum Number One, the queuing of the drive thru not to extend back out in the parking area, and the revision of the condition for queuing more than eight cars.

Applicant Steve Siglin had concerns about the conditions that were never disclosed in the agreement. He had concerns about the Conditional Use Permit not being transferable, no change of menu, the inability of selling non-food products, the audibility of the speaker volume, the acronym of CPTED, reluctant to put a wall in would change architect, but can provide screening or landscaping, not currently restricted to co-brand, the current hours of operation but request a 24-hour operation if needed.

Mayor Vali-Cave stated that any changes in signage would need to come back to Council and stated that the public record was available since Monday morning at City Hall. Discussion ensued regarding whether to continue the item, to discuss the situation with Staff on the Applicant's needs, and the other conditions needed to be addressed by Council at this time.

**A MOTION** was made by Mayor Pro Tem Adams seconded by Council Member Phillips, to continue the item, Conditional Use Permit UPAV 06-05 for establishment of a drive-thru lane and food order/pick-up window for a fast-food restaurant at Aliso Commons at Town Center (Specific Plan No. 2). Motion carried unanimously, 4-0 with Council Member Ficke absent from the meeting.

Mayor Vali-Cave left the dais at 10:58 p.m. and Mayor Pro Tem Adams presided over the dais.

Site Development Permit for CVS Pharmacy

Mayor Vali-Cave arrived back at the dais at 11:05 p.m.

Discussion ensued regarding no glass in the store front, the architect having several discussions with CVS about a glass front, the north elevation to substitute the trestles for glass, the recent merger with Sav-On, the Town Center signage, the west side of the building, four-sided architecture, more

planting in the drive-thru, the trestles not connected to both buildings, the Operating Memorandum Number One, the bonding on Lot 4, landscaping issues, trash enclosure, a specific site plan for bicycles, adding more landscaping through review, and paving on Enterprise.

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 Mayor Pro Tem Adams and seconded by Council Member Phillips, to approve Site Development Permit SDP05-12 to development a 13,000 sq. ft. drug store with two drive-thru lanes for pharmacy pick-up to be located at the northwest corner of enterprise and Aliso Creek Road, as part of Phase II of Specific Plan No. 2 Aliso Commons at Town Center, as amended and incorporated by reference in Resolution No. 2006 – 016. Motion carried unanimously, 4-0 with Council Member Ficke absent from the meeting.

#### Conditional Use Permit for CVS Pharmacy

Discussion ensued regarding revocation of the CUP if conditions are not met, and the revisit of a drive-thru if there is a transfer.

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 Phillips and seconded by Mayor Pro Tem Adams, to approving Conditional Use Permit UPAV06-06 for establishment of two (2) drive-thru lanes and windows for ordering and pick-up of pharmaceutical items only at a retail drug store at Aliso Commons at Town Center (Specific Plan No. 2) with the condition added on revocation on the Conditional Use Permit. Motion carried unanimously, 4-0 with Council Member Ficke absent from the meeting.

## **COUNCIL BUSINESS**

None.

## **COMMUNITY INPUT**

Sharon Murray suggested making diagonal parking at the Bank of America. She went by Tuesday Morning and commented on the improvements.

## **CITY MANAGER'S REPORT**

None.

## **ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES**

### **Council Member Phillips**

None.

### **Council Member Warkomski**

Council Member Warkomski expected to see a landscaping plan for the Aliso Commons that is aspectral.

### **Mayor Pro Tem Adams**

Mayor Pro Tem thanked Staff who contributed to the ADA Walk.

### **Mayor Vali-Cave**

None.

## **CLOSED SESSION**

At the hour of 11:20 p.m. the City Council recessed to Closed Session regarding:

### **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases: 1

### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

At the hour of 12:00 a.m. the City Council reconvened, with all Council Members present.

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

**ADJOURNMENT** at 12:01 a.m. on May 4, 2006.

Submitted By:

Approved By:

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Susan Robinson, CMC  
City Clerk

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Carmen Vali-Cave  
Mayor