

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
OCTOBER 21, 2015, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Phillips called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:11 p.m.

PRESENT: MAYOR WILLIAM A. PHILLIPS
MAYOR PRO TEM MIKE MUNZING
COUNCILMEMBER ROSS CHUN
COUNCILMEMBER DAVID C. HARRINGTON
COUNCILMEMBER PHILLIP B. TSUNODA

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
MITZI ORTIZ, CITY CLERK
GLENN YASUI, ADMINISTRATIVE SERVICES DIRECTOR
KAREN CROCKER, COMMUNITY SERVICES DIRECTOR
GINA THARANI, FINANCE DIRECTOR
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR / CITY
ENGINEER
ERICA ROESS, SENIOR PLANNER
LT. JOHN MACPHERSON, CHIEF OF POLICE SERVICES

REPORT ON CLOSED SESSION: City Attorney Scott Smith stated no reportable action was taken during the October 21, 2015 Special Meeting (Closed Session).

PLEDGE OF ALLEGIANCE: Led by OCFA Division Chief Bryan Brice.

SPECIAL PRESENTATIONS:

None.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR ITEM NOS. 1-4: Mayor Phillips asked if any member of the City Council, staff or the public wished to remove an item from the Consent Calendar. There were no requests to remove items from the Consent Calendar.

MOTION: COUNCILMEMBER HARRINGTON MOVED AND COUNCILMEMBER CHUN SECONDED TO APPROVE CONSENT CALENDAR ITEM NOS. 1-4, AS PRESENTED.

1. **WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS**

Approved the reading by title only of all ordinances and resolutions wherein the titles appear on the public agenda; said titles shall be determined to have been read by title, and further reading is waived.

2. **APPROVAL OF MINUTES – OCTOBER 7, 2015 SPECIAL MEETING AND OCTOBER 7, 2015 REGULAR MEETING**

Approved the subject Minutes as submitted.

3. **ACCOUNTS PAYABLE**

1. Ratified accounts payable checks issued September 24, 2015 in the amount of \$232,578.07;
2. Ratified accounts payable checks issued October 1, 2015 in the amount of \$110,314.60; and
3. Ratified accounts payable checks issued October 8, 2015 in the amount of \$699,238.06.

4. **DAIRY FORK WETLAND – AVCA EASEMENT DEED AND AGREEMENT**

1. Adopted Resolution No. 2015-34 approving Easement Deed and Agreement for APN 623-011-46 (portion) with the Aliso Viejo Community Association; and
2. Authorized the Mayor to execute an Easement Deed and Agreement with Aliso Viejo Community Association for the construction and maintenance of the Dairy Fork Wetland.

MOTION CARRIED UNANIMOUSLY

END OF CONSENT CALENDAR

PUBLIC HEARING ITEM NO. 5

5. **ADMINISTRATIVE USE PERMIT PA14-020 (AUP), A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA**

Mayor Phillips provided information on the notification provided by the City and procedures to be followed for the public hearing. Councilmember Harrington reported receiving approximately 225 emails on the matter, visiting Edwards Theater to meet with representatives, and his acquaintance with Lt. Robert Wren. Councilmember Tsunoda reported discussions held with Mrs. Tsunoda. Councilmember Chun reported visiting Edwards Theater, and receiving various inquiries on the matter, including the original appeal, broadcasting of the meeting and email sent by Mayor Pro Tem Munzing. Mayor Pro Tem Munzing reported visiting Edwards Theater in Aliso Viejo and Irvine, receiving approximately 225 emails on the matter, and discussions with representatives from Edwards Theater. Mayor Phillips reported visiting Edwards Theater and receiving approximately 225 emails on the matter. City Manager David Doyle provided the staff report. John Curry, Lt. Robert Wren and Bruce Evans provided additional information on behalf of Edwards Theater (Regal Cinemas). Applicant responded to questions regarding impact of permit approval or denial, additional conditions offered by applicant, theater checks, Lt. Wren's law enforcement experience, communications with residents, clarification of alcohol sale procedures, selection of theater location for alcohol sales, current security and site improvements. Mayor Phillips opened the public hearing.

The following persons spoke in opposition: 1. Shawn Hansen; 2. Bill Perkins; 3. Vicki Higginson; 4. Robert Davis; 5. Lori Hansen; 6. Natalie Affleck; 7. Abi Wilson; and 8. Danny Affleck.

MAYOR PHILLIPS RECESSED THE MEETING AT 8:53 P.M. AND RECONVENED AT 9:06 P.M.

The following persons spoke in opposition: 9. Amena; 10. Macie Wallin; 11. Zach Wallin; 12. Audrey Mckeon; 13. Scott Mckeon; 14. Megan; 15. Elaine Westfall; 16. Sara Havranek; 17. Marcella Deter; 18. Jacob Hansen; 19. Tammy Orrill; 20. Emily Van Bloem; 21. Matt Miller; 22. Elizabeth Houghton; 23. Joshua Swank; 24. Mindy Frosto Swank; 25. Roger Allen 26. Laura Del Rosario; 27. Amber Perkins; 28. Jon Titel; 29. Courtney Fielder; 30. Taylor Wilson; 31. Joe Wilson; 32. Christian Mackin; and 33. Kenny Virgin.

The following persons spoke in support: 34. Scott White; 35. Ben Smith; 36. Don Dooley; 37. Phil Fleming; 38. Nina Davar; 39. Rob Winslow; and 40. Joe Ludlow.

The following person spoke on the matter: 41. Kathleen McCarthy expressed concern with the appeal process.

There were no other speakers. Mayor Phillips closed the public hearing.

MAYOR PHILLIPS RECESSED THE MEETING AT 10:40 P.M. AND RECONVENED AT 10:50 P.M.

Staff and the applicant responded to questions regarding operations and improvements, enforcement for non-compliance, use of wristbands, potential revenue, theater monitoring, leftover alcohol, youth and resident attendance at the theater, sales tax revenue, and allowable number of alcohol permits.

MOTION: COUNCILMEMBER HARRINGTON MOVED AND MAYOR PRO TEM MUNZING SECONDED TO:

- 1. OPEN THE PUBLIC HEARING IN ORDER TO CONSIDER MODIFICATIONS FROM REGAL ENTERTAINMENT GROUP REGARDING ADMINISTRATIVE USE PERMIT PA14-020 (AUP) FOR ALCOHOL SERVICE AT THE EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD AND ACCEPT ADDITIONAL PUBLIC TESTIMONY ACCORDINGLY; AND**
- 2. UPON CONSIDERING THE MODIFICATIONS TO ADMINISTRATIVE USE PERMIT PA14-020 AND ADDITIONAL PUBLIC TESTIMONY APPROVE A RESOLUTION AFFIRMING THE DIRECTOR OF PLANNING SERVICES' DECISION AND APPROVING ADMINISTRATIVE USE PERMIT PA14-020 (AUP), A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA.**

MOTION FAILED 2-3 WITH MAYOR PHILLIPS AND COUNCILMEMBERS CHUN AND TSUNODA DISSENTING

MOTION: COUNCILMEMBER CHUN MOVED AND COUNCILMEMBER TSUNODA SECONDED TO:

- 1. OPEN THE PUBLIC HEARING IN ORDER TO CONSIDER MODIFICATIONS FROM REGAL ENTERTAINMENT GROUP REGARDING ADMINISTRATIVE USE PERMIT PA14-020 (AUP) FOR ALCOHOL SERVICE AT THE EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD AND ACCEPT ADDITIONAL PUBLIC TESTIMONY ACCORDINGLY; AND**
- 2. UPON CONSIDERING THE MODIFICATIONS TO ADMINISTRATIVE USE PERMIT PA14-020 AND ADDITIONAL PUBLIC TESTIMONY APPROVE A RESOLUTION REVERSING THE DIRECTOR OF PLANNING SERVICES' DECISION AND DENYING APPROVAL OF ADMINISTRATIVE USE PERMIT PA14-020 (AUP), A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA.**

MOTION CARRIED 3-2 WITH MAYOR PRO TEM MUZNING AND COUNCILMEMBER HARRINGTON DISSENTING

COMMUNITY INPUT:

1. Franklin Chocco commented on participating in City events and promoting music throughout the community, extended invitation to concert,

CITY MANAGER'S REPORT

None.

ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES

Councilmember Chun:

- Attended TCA Board Meeting
- Attended SCAG Meeting
- Congratulated public safety agencies on POD exercise

Councilmember Harrington:

- Commented on success of "Aliso Viejo loves Aeverie" fundraiser

Councilmember Tsunoda:

- Congratulated Mayor on State of the City

Mayor Pro Tem Munzing:

- Attended SCAG Meeting

Mayor Phillips:

- Announced Grace Hills Church 50-year anniversary

MAYOR PHILLIPS RECESSED THE MEETING AT 11:56 P.M. AND RECONVENED AT 12:03 A.M.

PUBLIC HEARING ITEM NO. 5

5. ADMINISTRATIVE USE PERMIT PA14-020 (AUP), A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

MOTION: COUNCILMEMBER CHUN MOVED AND COUNCILMEMBER TSUNODA SECONDED TO ADOPT RESOLUTION NO. 2015-35 REVERSING

THE DIRECTOR OF PLANNING SERVICES' DECISION AND DENYING APPROVAL OF ADMINISTRATIVE USE PERMIT PA14-020 (AUP), A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA.

MOTION CARRIED 3-2 WITH MAYOR PRO TEM MUNZING AND COUNCILMEMBER HARRINGTON DISSENTING

ADJOURNMENT: The Council meeting adjourned at 12:07 a.m. to the next regularly scheduled meeting of November 4, 2015.

Respectfully submitted:

Approved by:

for Paula Garrow

MITZI ORTIZ, MMC
CITY CLERK

William A. Phillips

WILLIAM A. PHILLIPS
MAYOR