

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
APRIL 7, 2015  
5:00 P.M.**

## **ACTION AGENDA**

**Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629**

Next City Council Ordinance No. 15-01

### **CALL TO ORDER**

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Olvera at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

Carlos N. Olvera, Mayor  
John A. Tomlinson, Mayor Pro Tem  
Joseph L. Muller, Council Member  
J. Scott Schoeffel, Council Member (*Arrived at 5:05 p.m.*)  
Richard A. Viczorek, Council Member

### **CLOSED SESSION**

Assistant City Attorney Farrell indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: City of Dana Point v. California Coastal Commission, et al  
Case No. 37-2010-00099827

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 24551 Del Prado, Dana Point  
Agency Negotiator: Douglas C. Chothevys  
Negotiating Parties: City of Dana Point and U.S. Postmaster  
Under Negotiation: Price and terms of agreement relating to property

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Mayor Olvera recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et seq.

## **RECONVENE CITY COUNCIL MEETING**

Mayor Olvera reconvened the meeting at 6:00 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Jennifer Farrell, Assistant City Attorney; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Brian McClure, Parks Manager; Mark Sutton, Building Official; Robert Sedita, Management Analyst; Erica Demkowicz, Senior Planner; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

Assistant City Attorney Farrell stated that she had no announcement.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Tomlinson.

## **INVOCATION**

The Invocation was provided by Chaplain Ken Schlenker from the Orange County Sheriff's Department.

## **PRESENTATIONS AND PROCLAMATIONS**

Business of the Month – Dream Catcher Yachts  
Shop Del Prado Prize Drawing  
Employee of the Month – Eric Haghani  
Deputy of the Year – James Johnson

## **CONSENT CALENDAR**

Council Member Viczorek removed Item 15 and Council Member Muller removed Item 16 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 15 AND 16.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Council Member Richard A. Viczorek, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: None

ABSENT: None

**1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY**

APPROVED THE READING BY TITLE ONLY OF ALL ORDINANCES ON THE CONSENT CALENDAR AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.

**2. SPECIAL/JOINT MEETING MINUTES, FEBRUARY 25, 2015**

APPROVED THE MINUTES.

**3. REGULAR MEETING MINUTES, MARCH 17, 2015**

APPROVED THE MINUTES.

**4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 9, 2015**

RECEIVED AND FILED.

**5. PLANNING COMMISSION MEETING MINUTES, MARCH 9, 2015**

RECEIVED AND FILED.

**6. PLANNING COMMISSION MEETING ACTIONS, MARCH 23, 2015**

RECEIVED AND FILED.

**7. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 30, 2015**

RECEIVED AND FILED.

**8. YOUTH BOARD MEETING MINUTES, FEBRUARY 19, 2015**

RECEIVED AND FILED.

**9. YOUTH BOARD MEETING MINUTES, MARCH 19, 2015**

RECEIVED AND FILED.

**10. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**11. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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**12. CITY TREASURER'S REPORT, FEBRUARY 2015**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2015.

**13. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, NOVEMBER 18, 2014**

RECEIVED AND FILED.

**14. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JANUARY - MARCH 2015**

RECEIVED AND FILED.

**15. ANNUAL REVIEW OF THE INVESTMENT POLICY**

Council Member Viczorek removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM TOMLINSON, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL APPROVE THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY ("INVESTMENT POLICY").

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Council Member Richard A. Viczorek, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: None

ABSENT: None

**16. MID FISCAL YEAR 2014-15 BUDGET STATUS REPORT**

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THE REPORT.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Council Member Richard A. Viczorek, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: None

ABSENT: None

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**17. WASTE DISPOSAL AGREEMENT AMENDMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF DANA POINT**

ADOPTED RESOLUTION 15-04-07-01 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2009 WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE; and*

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

**18. SDG&E REQUEST FOR SUPPORT - SOUTH ORANGE COUNTY RELIABILITY ENHANCEMENT PROJECT**

APPROVED THE MAYOR SIGNING A LETTER OF SUPPORT TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION FOR SDG&E'S SOUTH ORANGE COUNTY RELIABILITY ENHANCEMENT PROJECT.

**19. AB 1217 DALY – LEGISLATION CHANGING ORANGE COUNTY FIRE AUTHORITY'S BOARD COMPOSITION**

ADOPTED A MOTION OPPOSING AB 1217 (DALY) AS CURRENTLY DRAFTED AND AUTHORIZED THE MAYOR TO COMMUNICATE THE CITY COUNCIL'S POSITION TO THE STATE ASSEMBLY AND TO THE ORANGE COUNTY FIRE AUTHORITY (OCFA).

**20. TOPOGRAPHIC SURVEY SERVICES FOR UPCOMING CAPITAL PROJECTS**

AUTHORIZED TOPOGRAPHIC SURVEY SERVICES WITH HALL AND FOREMAN PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT.

**21. APPOINTMENTS TO THE ARTS AND CULTURE COMMISSION**

DIRECTED STAFF TO PROCEED WITH THE RECRUITMENT/APPOINTMENT OF ARTS AND CULTURE COMMISSION MEMBERS.

**22. AUTHORIZE THE CITY MANAGER TO APPOINT AN INTERIM ECONOMIC DEVELOPMENT MANAGER**

AUTHORIZED THE CITY MANAGER TO APPOINT AN INTERIM ECONOMIC DEVELOPMENT MANAGER, AND RECEIVED AND FILED UPDATE ON RECRUITMENT OF AN ECONOMIC DEVELOPMENT MANAGER.

**23. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 AND ADDING CHAPTER 12.08.060 OF THE MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND TO EXTEND**

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**ENFORCEMENT OF THE ORDINANCE TO DESIGNATED PARKING LOTS USED BY THE PUBLIC IN THE CITY OF DANA POINT**

CONDUCTED A SECOND READING AND ADOPTED **ORDINANCE 15-01** OF THE CITY OF DANA POINT TO AMEND CHAPTER 12.08.050 AND ADD CHAPTER 12.08.060 ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 AND ADDING CHAPTER 12.08.060 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND TO EXTEND ENFORCEMENT OF ORDINANCE TO DESIGNATED PARKING LOTS USED BY THE PUBLIC IN THE CITY OF DANA POINT.*

**24. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING AND REPLACING DANA POINT MUNICIPAL CODE SECTION 12.16.010 ESTABLISHING SPEED LIMITS CITYWIDE**

CONDUCTED A SECOND READING AND ADOPTED **ORDINANCE 15-02** OF THE CITY OF DANA POINT ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND REPLACING DANA POINT MUNICIPAL CODE, CHAPTER 12.16.010, ESTABLISHING SPEED LIMITS IN THE CITY OF DANA POINT PURSUANT TO THE CALIFORNIA VEHICLE CODE*

**PUBLIC COMMENTS**

Betty Hill  
Roxanna Watrous

**PUBLIC HEARINGS**

**25. NEGATIVE DECLARATION, ZONING ORDINANCE AND MUNICIPAL CODE TEXT AMENDMENT ZTA14-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA14-0001 TO AMEND THE CITY'S MUNICIPAL CODE AND ZONING ORDINANCE TO ALLOW POULTRY – SPECIFICALLY CHICKENS IN ALL SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL NOT APPROVE THE ZONING ORDINANCE AND MUNICIPAL CODE TEXT AMENDMENT (ZTA14-0001) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA14-0001) FOR THE ALLOWANCE OF POULTRY –SPECIFICALLY CHICKENS IN ALL SINGLE FAMILY RESIDENTIAL DISTRICTS AND DIRECT STAFF AT A FUTURE DATE TO MOVE THE EXISTING REGULATIONS FOR ANIMALS IN RESIDENTIAL DISTRICTS CONTAINED WITHIN SECTION 9.07.190 TO MUNICIPAL CODE TITLE 10 - ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS WITH OTHER ANIMAL REGULATIONS AS PART OF A FUTURE ZONING CODE CLEAN-UP ITEM.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Council Member Richard A. Viczorek, and Mayor Carlos N. Olvera

NOES: Mayor Pro Tem John A. Tomlinson

ABSENT: None

## **UNFINISHED BUSINESS**

### **26. 2015 WEED ABATEMENT PROGRAM**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON THAT THE CITY COUNCIL HEAR ANY OBJECTIONS REGARDING WEED ABATEMENT AND THEREAFTER ADOPT **RESOLUTION 15-04-07-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.*

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Council Member Richard A. Viczorek, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: None

ABSENT: None

## **NEW BUSINESS**

There were no New Business items.

## **PUBLIC COMMENTS (Continued)**

There were no additional Public Comments received.

## **STAFF REPORTS**

## **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Olvera adjourned the meeting at 8:58 p.m. and announced that the next Regular Meeting of the City Council will be April 21, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.