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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
MARCH 3, 2015**

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**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:**

Present: Mayor Carlos N. Olvera  
Mayor Pro Tem John A. Tomlinson (*Arrived at 5:29 p.m.*)  
Council Member Joseph L. Muller  
Council Member J. Scott Schoeffel  
Council Member Richard A. Viczorek

Absent: None

**CLOSED SESSION**

City Attorney Munoz 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), (2 cases) Name of Case: Therese Coppi v. City of Dana Point; County of Orange - USDC Central District Case No. - SACV11-1813 JST (RNBx) Name of Case: City of Dana Point v. California Coastal Commission, Surfrider Foundation, Headlands Reserve LLC; California Court of Appeal - 4th Appellate District - Division One Case No. D060260 (Consolidated with D060369)

Mayor Olvera recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

**RECONVENE CITY COUNCIL MEETING**

Mayor Olvera reconvened the meeting at 6:04 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, 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; Kevin Evans, Director of Community Services; Mark Sutton, Building Official; Robert Sedita, Management Analyst; Christy Teague,

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Economic Development Manager, Brian McClure, Parks Manager, Sherry Murphy, Recreation Manager; John Tilton, City Architect; Matthew Sinacori, City Engineer; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had no announcement.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Schoeffel.

**INVOCATION**

The Invocation was provided by VFW Post 9934 Chaplain and Commander, Morrie Hansen.

**PRESENTATIONS AND PROCLAMATIONS**

Business of the Month - White Pelican

Management Analyst Sedita reported that George and Diane Poulos purchased the White Pelican 20 years ago in the Dana Point Harbor. He stated that they offer an array of fine collectible Native American jewelry, crystals and art as well as a diverse selection of southwestern arts and crafts. Mayor Olvera presented a Certificate of Recognition to Diane Poulos for the White Pelican being selected Business of the Month for March, 2015. Heather Johnston, CEO for the Dana Point Chamber of Commerce presented Ms. Poulos with a Certificate on behalf of the Chamber.

Shop Del Prado Program Presentation and Prize Drawing

Community Development Director Luna-Reynosa provided a presentation with the details of how the program is run. Mayor Olvera drew the February ticket and announced that the winner was Ann Barrett.

Employee of the Month - Christy Teague

Community Development Director Luna-Reynosa introduced Christy Teague. She stated that Christy's relationships with everyone from the employees to the business community has reflected well on the City. She added that Christy is a very dedicated and hard worker. Mayor Olvera presented Christy with a Certificate of Recognition for being selected Employee of the Month for March 2015.

VFW Deputy of the Year - Tobin Anderson

Council Member Viczorek read the criteria for the selection of the individuals. Morrie Hansen VFW Post 9934 Commander presented a Certificate and a check to Deputy

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Anderson. Mayor Olvera presented Deputy Anderson with a Certificate of Recognition for his honor of being selected by the VFW Deputy of the Year.

VFW Firefighter of the Year - Jason Jones

Council Member Viczorek stated that Jason Jones was an 18 year veteran of OCFA and that he was also selected for the VFW District award. Commander Hansen presented a Certificate and check to Division Chief Kirk Wells who accepted on behalf of Jason Jones who could not attend the meeting.

VFW Reserve Firefighter of the Year - Jose D. Soto

Commander Hansen presented a Certificate and check to Jose Soto. Mayor Olvera presented a Certificate of Recognition to Mr. Soto for his honor of being selected VFW Reserve Firefighter of the Year.

VFW Voice of Democracy Winner - Alisha S. Nagarkar

Alisha Nagarkar read her winning essay. Alisha was awarded a medal, a Certificate and a check for being selected the VFW Voice of Democracy Winner for 2014. Mayor Olvera presented Alisha a Certificate of Recognition for her honor.

**CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER, TO ACCEPT THE RECOMMENDATIONS FOR ALL ITEMS ON THE CONSENT CALENDAR.

COUNCIL MEMBER SCHOEFFEL ASKED FOR HIS VOTE ON ITEM 16 TO BE REGISTERED AS AN ABSTENTION DUE TO A POTENTIAL CONFLICT OF INTEREST.

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 Pro Tem John A. Tomlinson, Mayor Carlos N. Olvera

NOES: None

ABSTAIN: Council Member Schoeffel (Item 16)

**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.

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**2. YOUTH BOARD MEETING MINUTES, JANUARY 15, 2015**

RECEIVED AND FILED.

**3. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES,  
NOVEMBER 19, 2014**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**5. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**6. CITY TREASURER'S REPORT, JANUARY 2015**

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

**7. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PCH/DEL PRADO STREETScape IMPROVEMENT PHASE 1A PROJECT**

ADOPTED RESOLUTION 15-03-03-01 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "PCH/DEL PRADO STREETScape IMPROVEMENT PHASE 1A PROJECT".*

**8. INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REPLACING DANA POINT MUNICIPAL CODE SECTION 12.16.010 ESTABLISHING SPEED LIMITS CITYWIDE**

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE 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.*

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**9. CONTRACT AMENDMENT FOR THE ENVIRONMENTAL SERVICES PROVIDED BY LSA ASSOCIATES FOR THE SOUTH SHORES CHURCH PROJECT'S ENVIRONMENTAL IMPACT REPORT**

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES.

**10. CONTRACT EXTENSION AND BUDGET ADJUSTMENT FOR NELSON/NYGAARD CONSULTING ASSOCIATES TO CONTINUE THEIR WORK ON THE TOWN CENTER/LANTERN DISTRICT PARKING AMENDMENTS**

AUTHORIZED THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT WITH NELSON/NYGAARD CONSULTING ASSOCIATES IN ACCORDANCE WITH THE ATTACHED SCOPE OF WORK TO CONTINUE THEIR WORK ON PARKING AMENDMENTS TO THE TOWN CENTER/LANTERN DISTRICT PLAN AND AUTHORIZED A BUDGET ADJUSTMENT.

**11. AUTHORIZE STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL FOR THE MAINTENANCE OF THE CITY RECREATION FACILITIES**

AUTHORIZED STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL TO QUALIFIED MAINTENANCE CONTRACTORS FOR THE MAINTENANCE OF THE CITY RECREATION FACILITIES.

**12. 2015 SPECIAL EVENTS CALENDAR**

APPROVED THE SPECIAL EVENT CALENDAR FOR 2015 AND THE RECOMMENDED VENUES, AWARDED THE STAGE AND SOUND CONTRACT TO SOUTHERN CALIFORNIA SOUND STAGE & LIGHTING CORPORATION, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT.

**13. RATIFICATION OF EMERGENCY CONSTRUCTION ACTIVITIES TO REPLACE AGED STORM DRAIN BETWEEN ZARZITO DRIVE AND FORMOSA AT THE TERMINUS OF MANZANITA DRIVE**

RATIFIED THE CITY MANGER'S ACTION TO WAIVE COMPETITIVE BIDDING PER CITY ORDINANCES FOR EMERGENCY WORK ACTIVITIES TO REPLACE AN AGED STORM DRAIN (PARTIALLY BLOCKED IN RECENT STORMS) AT THE TERMINUS OF MANZANITA DRIVE BETWEEN ZARZITO DRIVE AND FORMOSA, HEREIN REFERRED TO AS "STORM DRAIN REPAIRS", APPROVED BUDGET ADJUSTMENT AND, AUTHORIZED STAFF TO PAY ALL

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NECESSARY CONTRACTORS, VENDORS AND CONSULTANTS FOR COMPLETING STORM DAMAGE REPAIRS UPON RECEIPT OF ACTUAL INVOICES FOR STORM DRAIN REPAIR WORK.

**14. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT**

APPROVED THE FOLLOWING FOR THE 2015 FOURTH OF JULY AERIAL FIREWORKS DISPLAY: CONTRACT WITH BAY FIREWORKS FOR THE AERIAL DISPLAY; CONTRACT WITH PACIFIC TUGBOAT TO PROVIDE THE TUG AND BARGE TO BE USED AS THE STAGING AREA FOR THE FIREWORKS DISPLAY, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENTS.

**15. ARTS AND CULTURE MASTER PLAN UPDATE**

RECEIVED AND FILED AND DIRECTED STAFF TO INCLUDE THE ARTS AND CULTURE MASTER PLAN UPDATE AS PART OF THE BUDGET DISCUSSION FOR FY16 AND FY17.

**16. RESOLUTION URGING SADDLEBACK MEMORIAL TO USE ALL DILIGENT AND GOOD FAITH EFFORTS WITH THE PROPOSED CHANGES TO THE EXISTING SADDLEBACK MEMORIAL CARE SAN CLEMENTE CAMPUS**

ADOPTED RESOLUTION 15-03-03-02 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, URGING SADDLEBACK MEMORIAL CARE TO USE ALL DILIGENT AND GOOD FAITH EFFORTS TO ASSURE THAT THE PROVISION OF EMERGENCY MEDICAL SERVICES FOR THE DANA POINT RESIDENTS, BUSINESS, AND VISITORS WILL NOT BE IMPAIRED BY CHANGES TO THE EXISTING SADDLEBACK MEMORIAL CARE SAN CLEMENTE CAMPUS.*

**17. AMENDMENT TO JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM**

APPROVED THE AMENDMENT TO THE JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT AND ALL RELATED DOCUMENTS.

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**18. PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL COUNTER AND INSPECTION SERVICES**

AUTHORIZED THE CITY MANAGER TO CONTINUE THE PROFESSIONAL SERVICES AGREEMENT WITH MELAD AND ASSOCIATES.

**PUBLIC COMMENTS**

Antony Cooke, Capistrano Beach, spoke regarding the Doheny House on Camino Capistrano in Capistrano Beach.

Maurice Hansen, VFW Commander of Post 9934, reported that through the help and support of the City, Post 9934 has received the All American award five years in a row and that they were working on their sixth. He thanked the City for everything they have done for the Post.

Donna Kalez, San Clemente, thanked the City, the County of Orange, and all of their other sponsors for their support of the Festival of Whales. She stated that the celebration is two weekends long and that the Festival begins this Saturday at 10 a.m. with the parade.

Nancy Jenkins, Dana Point, stated that the foyer of the Council Chambers was being used to showcase artists. She added that the Arts and Culture Commission has been putting out a "Call to Artists" and with this last Call, the Commission received 20 different submissions. She reported that Dan Snipes was chosen by a subcommittee for the exhibit which will be on display through April.

Roxanne Watrous, Dana Point, spoke regarding Town Center spending. She proposed that the city scale back on the spending for infrastructure and instead, make a list of exactly what type of buildings and businesses the City wants. She suggested that the City then contact the types of businesses the City would like to attract to the area to see what it would take to get them to come to Dana Point.

**PUBLIC HEARINGS**

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

City Manager Chotkevys provided a staff report.

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Council Member Muller asked why it was the City's responsibility to enforce on a private parking lot.

Lt. Chilton replied that over the years the needs of the community have changed and that if deficiencies were corrected a balance could be brought to the enforcement. He stated that issues do not stop at the public roadway and that they bleed over into commercial lots. He felt that the City needs the ability to go into the lots to patrol and resolve issues.

City Manager Chotkevys felt that this was a tribute to the collaborative approach that the City has with the business community in solving crime.

Lt. Chilton stated that this request was coming from the owners of the lots. He added that the owners will have to post their lots and this will give the Sheriff's Department the authority to patrol.

Council Member Muller stated that he was supportive of this amendment. He asked if the City was receiving any consideration such as using these lots as public lots.

Lt. Chilton replied that this was really an extension of working closely with the business community and strengthening the relationship. He added that this was being proposed at the request of the property owners.

Council Member Viczorek asked what the threats to the public safety and welfare are that enable the City to extend our regulations into private parking lots.

Lt. Chilton replied that just because it is a private parking lot it does not preclude the Deputies from patrolling and ensuring there is no vandalism or thefts as well as the parking of motorhomes and tractor trailers.

Mayor Pro Tem Tomlinson asked how someone applies for a 72 hour permit, what office do they need to go to.

Director of Public Works and Engineering Fowler replied that the resident would need to come into the Public Works office and provide their information.

There being no requests to speak, Mayor Olvera opened and closed the Public Hearing.

Council Member Schoeffel felt that this amendment was an excellent move in the right direction and that he would support it.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER, THAT THE CITY COUNCIL HOLD A PUBLIC HEARING AND INTRODUCE AN ORDINANCE TO AMEND CHAPTER 12.08.050 AND ADD CHAPTER 12.08.060 ENTITLED:



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*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.*

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 Pro Tem John A. Tomlinson, Mayor Carlos N. Olvera

NOES: None

**UNFINISHED BUSINESS**

There were no Unfinished Business items.

**NEW BUSINESS**

There were no New Business items.

**PUBLIC COMMENTS**

There were no additional Public Comments received.

**STAFF REPORTS**

City Attorney Munoz reported that recently the California Supreme Court in essence struck down something known as Jessica's Law which was a state statute that prohibited convicted sex offenders from living within 2,000 feet of schools and certain parks. He stated that the case technically only applied to the County of San Diego. He added that as a practical matter, that it applied to a lot of cities and potentially ours in connection to Ordinances and statutes that have been adopted pursuant to authority granted by Jessica's Law. He stated that his office will be reviewing the City's codes to ensure Dana Point is in compliance with the Supreme Court's latest rulings.

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

Council Member Schoeffel stated that he was excited for the parade that will begin this weekend. He reported that we had lost a real icon of Orange County this past week, Henry Segerstrom.

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Council Member Viczorek thanked the VFW Post 9934 for all they do for the community. He stated that he would turn in his list of meetings attended to the City Clerk.

Council Member Muller stated that he was excited about the Festival of Whales and that it was his first time attending. He added that he had already turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Tomlinson stated that he is looking forward to the Festival of Whales. He thanked the VFW for their presentations this evening and congratulated them on their award. He added that he would turn in his list of meetings attended to the City Clerk.

Mayor Olvera stated that the Festival of Whales was truly a recognized as a coast-to-coast event. He encouraged everyone to participate in all of the events in the next two weeks. He added that he would turn in his list of meetings attended to the City Clerk. He mentioned that he had attended his first Vector Control Board meeting and that the District has changed their name to Mosquito and Vector Control District.

#### **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Olvera adjourned the meeting at 7:09 p.m. and announced that the next Regular Meeting of the City Council will be March 17, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

  
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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF APRIL 21, 2015

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Meetings attended since February 3, 2015:

**Mayor Carlos N. Olvera**

February 5 Steve Gedit, Saddleback Memorial  
February 7 Black History Parade, Anaheim  
February 9 Ribbon Cutting for Kona Ice  
February 11 City staff on Historic sites  
February 12 Harbor Merchants' meeting  
February 18 Vector Control Meeting  
February 19 SOCAM breakfast  
February 24 Ocean Water Quality Subcommittee Meeting  
February 25 Joint Planning Commission with City Council  
March 2 Meeting with American West Properties

**Mayor Pro Tem John A. Tomlinson**

February 12 Foothill/Eastern Board of Directors Meeting

**Council Member Joseph L. Muller**

February 4 League Webinar, Vacation Rentals  
February 5 OCFA New Board Orientation  
February 24 Met with Mrs. Weagley, Director Luna-Reynosa at City Hall regarding chickens  
February 25 Joint Council and Planning Commission Meeting  
February 26 OCFA Meeting

**Council Member J. Scott Schoeffel**

February 6 Executive Team Leader breakfast in Laguna Niguel for San Joaquin Hills and Foothill Eastern Transportation Corridor Agencies  
February 8 Opera Night Fundraiser in Laguna Niguel for South Orange County School of the Arts  
February 11 Joint Leadership meeting of the Orange County Transportation Authority/Transportation Corridor Agencies in Orange  
February 12 Joint Legal Services Ad Hoc Committee meeting for the San Joaquin Hills and Foothill Eastern Transportation Corridor Agencies  
San Joaquin Hills Transportation Corridor Agency Board of Directors Meeting  
February 19 Annual Dinner for the Orange County Business Council on behalf of Transportation Corridor Agencies

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**Council Member Richard A. Viczorek**

- February 2 Meeting with Executive Director of Boys & Girls Clubs of Capistrano Valley at City Hall  
Meeting with constituents regarding information technology services in Dana Point at City Hall
- February 4 League of California Cities Webinar – Vacation/Short Term Rentals at City Hall  
Meeting with constituent regarding Stillwater
- February 5 OCFA Board of Directors Orientation at the Regional Fire Operations and Training Center in Irvine
- February 10 Dana Point VFW Post 9934 Monthly Meeting at South Shores Church
- February 18 Meeting with constituent regarding hens in Dana Point at City Hall  
League of California Cities Webinar – Land Use 101 at City Hall
- February 28 Dana Point Youth Baseball Pancake Breakfast and Opening Day Ceremonies at the Community Center