

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JUNE 2, 2015  
5:00 P.M.**

## **ACTION AGENDA**

**Location: Dana Point Community Center Gym, 34052 Del Obispo, Dana Point, California 92629**

Next City Council Ordinance No. 15-03

### **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 5:01 p.m. in the Community Center Gym, 34052 Del Obispo, Dana Point.

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

Carlos N. Olvera, Mayor  
John A. Tomlinson, Mayor Pro Tem (*Arrived at 5:05 p.m.*)  
Joseph L. Muller, Council Member  
J. Scott Schoeffel, Council Member  
Richard A. Viczorek, Council Member (*Arrived at 5:10 p.m.*)

### **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), (2 cases)
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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 – CALL TO ORDER**

Mayor Olvera reconvened the meeting at 6:35 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; John Ramirez, Assistant City Attorney; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ

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Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Mark Sutton, Building Official; Kevin Evans, Director of Community Services and Parks; Saima Qureshy, Senior Planner, Beverly Brion, Accounting Supervisor; Kate Lasso, Management Analyst; Robert Sedita, Management Analyst; 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 Pastor Jens Christy of Capo Beach Church.

## **PRESENTATIONS AND PROCLAMATIONS**

There were no Presentations or Proclamations.

## **CONSENT CALENDAR**

Mayor Olvera removed Item 10 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.

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. REGULAR MEETING MINUTES, MAY 5, 2015**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, APRIL 27, 2015**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**5. CITY TREASURER'S REPORT, APRIL 2015**

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

**6. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**7. SALT CREEK OZONE TREATMENT FACILITY 5<sup>TH</sup> AMENDMENT TO AGREEMENT WITH SOUTH COAST WATER DISTRICT FOR FACILITY OPERATION AND MAINTENANCE**

ACCEPTED THE 5<sup>TH</sup> AMENDMENT TO THE AGREEMENT FOR THE FACILITY OPERATION AND MAINTENANCE BETWEEN SOUTH COAST WATER DISTRICT AND THE CITY OF DANA POINT; AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN THE AGREEMENT.

**8. FY 2015-16 LAW ENFORCEMENT SERVICES AGREEMENT**

APPROVED THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2015-2016 FISCAL YEAR AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

**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. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT CALIFORNIA, AMENDING CHAPTER 14.01.610 TO ADDRESS LANDSCAPE REQUIREMENTS WITHIN PUBLIC RIGHT-OF-WAY AREAS**

Mayor Olvera removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL INTRODUCE AND HOLD FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 14.01.610 ENTITLED:

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*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 14.01.610 TO ADDRESS LANDSCAPE REQUIREMENTS WITHIN PUBLIC RIGHT-OF-WAY PARKWAY AREAS.*

The motion carried by the following vote:

AYES: Council Member J. Scott Schoeffel, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: Council Member Joseph L. Muller and Council Member Richard A. Viczorek

ABSENT: None

## **PUBLIC COMMENTS**

Dan Daley  
Bryan Noakes  
Michael Fox

## **PUBLIC HEARINGS**

11. **HEARING ON THE APPEAL OF PLANNING COMMISSION DECISION APPROVING COASTAL DEVELOPMENT PERMIT CDP04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31 FOR THE DEMOLITION OF THREE EXISTING BUILDINGS AND CONSTRUCTION OF FOUR NEW BUILDINGS AND A TWO LEVEL, PARTIALLY SUBTERRANEAN PARKING STRUCTURE ON A 6-ACRE SITE FOR SOUTH SHORES CHURCH, LOCATED AT 32712 CROWN VALLEY PARKWAY. CONSIDERATION OF A SHARED PARKING PROGRAM AND PARKING MANAGEMENT PLAN IS INCLUDED IN CONJUNCTION WITH THE PROPOSED DEVELOPMENT. A FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) HAS BEEN PREPARED TO ADDRESS POTENTIAL ENVIRONMENTAL IMPACT ASSOCIATED WITH THE PROJECT.**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION NO. 15-06-02-01** CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT (EIR SCH#2009041129) AND ADOPTION OF FINDINGS OF FACT ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR SCH#2009041129) FOR COASTAL DEVELOPMENT CDP04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31; AND ADOPTION OF FINDINGS OF FACT FOR SOUTH SHORES CHURCH MASTER PLAN PROJECT LOCATED AT 32712 CROWN VALLEY PARKWAY.*

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL UPHOLD THE PLANNING COMMISSION'S APPROVAL AND ADOPT **RESOLUTION NO. 15-06-02-02** APPROVING COASTAL DEVELOPMENT PERMIT CDP04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP-04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31 FOR SOUTH SHORES CHURCH MASTER PLAN PROJECT LOCATED AT 32712 CROWN VALLEY PARKWAY AND ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM.*

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

**12. PUBLIC HEARING AND RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2015-2016 AND 2016-2017; RESOLUTION TO ESTABLISH THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2015-2016; AND RESOLUTION TO ADOPT THE POSITION TITLE, SALARY RANGE, AND CLASS SPECIFICATIONS FOR ASSISTANT ADMINISTRATIVE ANALYST**

IT WAS MOVED BY MAYOR PRO TEM TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING TO REVIEW THE CITY OF DANA POINT PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2015-2016 ("FY 2015") AND 2016-2017 ("FY 2016") AND ADOPT **RESOLUTION 15-06-02-03** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2015-2016 AND 2016-2017.*

The motion carried by the following vote:

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

NOES: Council Member J. Scott Schoeffel

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER THAT THE CITY COUNCIL ADOPT **RESOLUTION 15-06-02-04** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2015-2016.*

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

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL ADOPT **RESOLUTION 15-06-02-05** ENTITLED:

*ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLE, SALARY RANGE, AND CLASS SPECIFICATIONS FOR ASSISTANT ADMINISTRATIVE ANALYST.*

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

## **UNFINISHED BUSINESS**

There were no Unfinished Business items.

## **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 11:11 p.m. and announced that the next Regular Meeting of the City Council will be June 16, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.