

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 16, 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. 15-03

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 5:00 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 *(arrived at 5:03 pm)*
J. Scott Schoeffel, Council Member
Richard A. Viczorek, Council Member

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. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

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 – CALL TO ORDER

Mayor Olvera reconvened the meeting at 6:07 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Aaron Rosen, Emergency Services Coordinator; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; John Tilton, City Architect; Cindy Nelson, Int. Economic Development Manager; Mark Sutton, Building Official; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Jennifer Ransom, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Viczorek

INVOCATION

The Invocation was provided by Ty Guy of South Shores Church

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – People’s Deli
Shop Del Prado Program Presentation and Prize Drawing
Employee of the Month – Shayna Sharke

CONSENT CALENDAR

A member of the public removed Items 11 and 16. Council Member Schoeffel removed Item 12, and Council Member Viczorek removed Item 15 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 ITEMS 11,12,15 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. REGULAR MEETING MINUTES, JUNE 2, 2015

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 11, 2015

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 8, 2015

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, APRIL 2, 2015

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, MAY 7, 2015

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, MAY 2015

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

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. INTERVENTION SPECIALIST AGREEMENT FY 2015-2016

AUTHORIZED THE CITY MANAGER TO APPROVE A CONTRACT FOR CONSULTANT SERVICES FOR THE INTERVENTION SPECIALIST PROGRAM.

11. ANNUAL APPROVAL OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2015-2016 THROUGH FISCAL YEAR 2021-2022 AND AUTHORIZATION TO FORWARD RENEWED MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY

This Item was removed from the Consent Calendar by a member of the public.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL ADOPT **RESOLUTION 15-06-16-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING CONFORMANCE OF THE CIRCULATION ELEMENT, THE MITIGATION FEE PROGRAM AND ADOPTION OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY2015-16 THROUGH FY2021-22 AS REQUIRED BY THE OCTA RENEWED MEASURE M (M2) PROGRAM; and

AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES TO FORWARD THE NECESSARY RENEWED MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY.

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. AUTHORIZE STAFF TO DISTRIBUTE TWO REQUEST FOR PROPOSALS FOR THE MAINTENANCE OF PARKS AND FOR THE MAINTENANCE OF LANDSCAPED MEDIANS AND PARKWAYS

Council Member Schoeffel removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL AUTHORIZE STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL (RFP) TO QUALIFIED LANDSCAPED MAINTENANCE CONTRACTORS FOR THE MAINTENANCE OF PARKS; AND DISTRIBUTE A RFP TO QUALIFIED LANDSCAPE MAINTENANCE CONTRACTORS FOR THE MAINTENANCE OF LANDSCAPED MEDIANS AND PARKWAYS.

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

13. CONTRACT AGREEMENT RENEWAL BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES

AUTHORIZED THE CITY MANAGER TO APPROVE THE RENEWAL OF CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES FOR FISCAL YEAR 2015-16.

14. AMENDMENT TO CITY'S COMPREHENSIVE LEAVE PERSONNEL POLICY IN ACCORDANCE WITH HEALTHY WORKPLACES HEALTHY FAMILY ACT OF 2014

APPROVED THE AMENDMENT OF EXISTING CITY PERSONNEL LEAVE POLICIES THAT ARE IN CONFLICT WITH THE NEW LEGISLATION.

15. SECOND READING AND ADOPTION 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

Council Member Viczorek removed this Item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL CONDUCTED A SECOND READING AND ADOPT **ORDINANCE 15-03** TO AMEND CHAPTER 14.01.610 ENTITLED:

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, Council Member Richard A. Viczorek

ABSENT: None

16. CITYWIDE WAYFINDING SIGNAGE PROGRAM

This Item was removed from the Consent Calendar by a member of the public.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE STAFF TO CONTINUING TO MOVE FORWARD WITH THE WAYFINDING SIGNAGE 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

17. COMMUNITY FACILITIES DISTRICT DEPOSIT AND REIMBURSEMENT AGREEMENT

AUTHORIZED THE CITY MANAGER TO EXECUTE A COMMUNITY FACILITIES DISTRICT DEPOSIT AND REIMBURSEMENT AGREEMENT WITH ZEPHYR PARTNERS.

18. APPROVAL OF CONTRACT AMENDMENT FOR ADDITIONAL AS-NEEDED CAPITAL IMPROVEMENT PROGRAM DESIGN SERVICES WITH ATKINS NORTH AMERICA, INC.

CONSIDERED A CONTRACT AMENDMENT WITH ATKINS NORTH AMERICA, INC. FOR ADDITIONAL AS-NEEDED PUBLIC WORKS CIP DESIGN SERVICES FOR FY16 AND FY 17; AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT AMENDMENT.

PUBLIC COMMENTS

Glenn Ormseth
Carole Weling
Terry Rifkin

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

19. DOHENY VILLAGE PLAN STUDY SESSION

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL ACCEPT REPORT WITH COMPLETION DATE AS DEFINED IN STAFF REPORT PROVIDING MONTHLY STATUS REPORTS ON APPROACHING TIMELINE.

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 MULLER, THAT THE CITY COUNCIL DIRECT STAFF TO ESTABLISH A BUDGET FOR IMMEDIATE CLEANING, LANDSCAPING AND LIGHTING ON DOHENY PARK ROAD AND PACIFIC COAST HIGHWAY TO PALISADES, AND TO WORK WITH CODE ENFORCEMENT AND BUSINESS OWNERS TO DETERMINE APPROPRIATE INCENTIVES FOR ASTHETIC IMPROVEMENTS IN DOHENY VILLAGE, AND REPORT BACK TO COUNCIL AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL ON JULY 21, 2015.

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 MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL DIRECT STAFF TO WORK WITH DANA POINT POLICE SERVICES TO CREATE A VIABLE PUBLIC SAFETY PLAN FOR DOHENY VILLAGE AND REPORT BACK TO COUNCIL AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL ON JULY 21, 2015.

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

20. LETTER IN OPPOSITION TO AB 718

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SEND A LETTER IN OPPOSITION TO AB 718 ON BEHALF OF THE COUNCIL.

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

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 9:06 p.m. and invited everyone to celebrate Mayor Pro Tem Tomlinson's birthday with cake in the foyer. He announced that the next Regular Meeting of the City Council will be July 21, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.