

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JULY 21, 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. 15-04

### **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  
Richard A. Viczorek, Council Member

### **CLOSED SESSION**

City Attorney Munoz indicated that there was a need for a Closed Session as follows with an amendment to Item A; there was only one case to be discussed for anticipated litigation:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case: Claim Against Utopia re: Illumination Performance)
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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

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## **RECONVENE – CALL TO ORDER**

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

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Bobbi Ogan, Deputy City Clerk; Mike Rose, Director of Disaster Preparedness and Facilities; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Cindy Nelson, Int. Economic Development Manager; Mark Sutton, Building Official; Kevin Evans, Director of Community Services and Parks; Saima Qureshy, Senior Planner; Jackie Littler, Executive Secretary; and DyAnne Weamire, Administrative Secretary.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had no announcement.

## **PLEDGE OF ALLEGIANCE**

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

## **INVOCATION**

The Invocation was provided by Associate Pastor Jens Christy of Capo Beach Church.

## **PRESENTATIONS AND PROCLAMATIONS**

Business of the Month – Jon's Fish Market  
Shop Del Prado Prize Drawing  
Employee of the Month – Robin Harnish

## **CONSENT CALENDAR**

Members of the public removed Items 9, 10, and 12 and Mayor Pro Tem Tomlinson removed Item 2 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 2, 9, 10, AND 12.

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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**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 16, 2015**

Mayor Pro Tem Tomlinson removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL APPROVE THE MINUTES WITH THE ADDITION MADE TO THE MEETINGS ATTENDED SECTION.

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

**3. PLANNING COMMISSION MEETING MINUTES, JUNE 22, 2015**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF JULY 13, 2015**

RECEIVED AND FILED.

**5. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, APRIL 16, 2015**

RECEIVED AND FILED.

**6. YOUTH BOARD MEETING MINUTES, MAY 21, 2015**

RECEIVED AND FILED.

**7. YOUTH BOARD MEETING MINUTES, JUNE 4, 2015**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**9. DOHENY PARK ROAD MAINTENANCE/INTERIM IMPROVEMENTS**

A member of the public removed this item from the Consent Calendar.

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IT WAS MOVED BY MAYOR PRO TEM TOMLINSON, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL APPROVE MOVING FORWARD WITH THE PROPOSED IMPROVEMENTS.

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

**10. AMENDMENT TO CITY MANAGER CONTRACT**

A member of the public removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN AN AMENDMENT TO THE CITY MANAGER'S CONTRACT.

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

**11. AWARD CONTRACT TO DEKRA-LITE INDUSTRIES FOR HOLIDAY DÉCOR DISPLAYS, SPECIALTY DISPLAYS AND STREET LIGHT POLE BANNER SERVICES**

AWARDED A MAINTENANCE SERVICES CONTRACT TO DEKRA-LITE INDUSTRIES, INC. FOR HOLIDAY DÉCOR DISPLAYS, SPECIALTY DISPLAYS AND STREET LIGHT POLE BANNER SERVICES; AUTHORIZED UP TO FOUR OPTIONAL TWO YEAR CONTRACT RENEWALS BEYOND THE ORIGINAL PARTIAL YEAR TERM OF SEPTEMBER 1, 2015 – JUNE 30, 2016; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE MAINTENANCE SERVICES CONTRACT AND FUTURE AMENDMENTS TO THE CONTRACT.

**12. DOHENY VILLAGE PLAN UPDATE**

A member of the public removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE THE UPDATE.

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. CONSIDER AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL SLURRY SEAL PROJECT**

APPROVED THE FINAL CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE ANNUAL SLURRY SEAL PROJECT (CIP #1276); APPROVED AWARD OF A CONTRACT TO AMERICAN ASPHALT SOUTH, INCORPORATED FOR THE CONSTRUCTION OF THE ANNUAL SLURRY SEAL PROJECT, PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, MANAGEMENT SERVICES, AND SOILS AND MATERIAL TESTING, AS NOTED IN THE FISCAL IMPACT SECTION; AUTHORIZED ADDITIONAL INSPECTION AND MATERIALS AND TESTING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH GMU GEOTECHNICAL FOR GEOTECHNICAL ENGINEERING PER THE FISCAL IMPACT SECTION; AND AUTHORIZED THE FUNDING TRANSFER AS NOTED IN THE FISCAL IMPACT SECTION.

**14. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR APRIL - JUNE 2015**

RECEIVED AND FILED.

**15. AWARD OF CONTRACT TO OPTICOS DESIGN, INC. TO DEVELOP A FORM BASED CODE FOR DOHENY VILLAGE**

AUTHORIZED THE CITY MANAGER TO FINALIZE THE SCOPE OF WORK AND ENTER INTO AN AGREEMENT WITH OPTICOS DESIGN, INC. (THE "CONSULTANT") IN ACCORDANCE WITH THE SCOPE OF WORK.

**16. APPROVAL OF A LEASE AGREEMENT WITH HUFF MERIDIAN, LLC FOR USE OF PRIVATE PARKING INTO SHARED, PUBLIC PARKING AT 24582 DEL PRADO, DANA POINT**

ADOPTED **RESOLUTION 15-07-21-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND HUFF MERIDIAN, LLC, AUTHORIZING THE CITY ATTORNEY TO APPROVE NON-SUBSTANTIVE CHANGES TO THE AGREEMENT AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.*

**17. AUTHORIZE THE CITY MANAGER TO APPOINT AN INTERIM PLANNING MANAGER AND INTERIM CITY CLERK SPECIALIST**

AUTHORIZED THE CITY MANAGER TO APPOINT AN INTERIM PLANNING MANAGER AND AN INTERIM CITY CLERK SPECIALIST.

**PUBLIC COMMENTS**

There were no Public Comments.

**PUBLIC HEARINGS**

**18. 2015 WEED ABATEMENT ADMINISTRATIVE CITATION PROGRAM**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING ON THE WEED ABATEMENT COST REPORT AND DELINQUENT ADMINISTRATIVE CITATION FINES, THEREAFTER, ADOPT **RESOLUTION 15-07-21-02** CONFIRMING THE COST REPORT/DELINQUENT CITATION FINES AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT/DELINQUENT ADMINISTRATIVE CITATION FINES AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.*

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

**19. ZONE TEXT AMENDMENT ZTA15-0001 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001; TO AMEND THE CITY'S ZONING ORDINANCE; CHAPTER 9.26 AND CORRESPONDING APPENDIX "E", GENERALLY REFERRED TO AS "DANA POINT TOWN CENTER PLAN", TO ADDRESS PARKING REGULATIONS, AND TO CHANGE THE TITLE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN" AND AN ADDENDUM TO THE PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION**

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 15-07-21-03** DELETING THE PROVISION THAT ALLOWS ON-STREET PARKING CREDITS AND CHANGE THE PARKING REQUIREMENT FOR RESIDENTIAL PROJECTS TO TWO PARKING SPACES PER 1,000 SQUARE FEET ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN ADDENDUM TO A PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION FOR THE ZONE TEXT AMENDMENT ZTA15-0001 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001, TO AMEND THE CITY'S ZONING ORDINANCE; CHAPTER 9.26 AND CORRESPONDING APPENDIX "E", GENERALLY REFERRED TO AS "DANA POINT TOWN CENTER PLAN", TO ADDRESS PARKING REGULATIONS AND TO CHANGE THE TITLE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN"; and*

INTRODUCE FOR FIRST READING AN ORDINANCE ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA15-0001 TO AMEND THE CITY'S ZONING ORDINANCE; CHAPTER 9.26 AND CORRESPONDING APPENDIX "E" GENERALLY REFERRED TO AS THE "DANA POINT TOWN CENTER PLAN" TO ADDRESS PARKING REGULATIONS AND A TITLE CHANGE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN" AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and*

ADOPT **RESOLUTION 15-07-21-04** REQUESTING CERTIFICATION OF THE LCPA FROM THE CALIFORNIA COASTAL COMMISSION ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.*

The motion carried by the following vote:

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

NOES: Council Member J. Scott Schoeffel and Council Member Richard A. Viczorek

ABSENT: None

## **UNFINISHED BUSINESS**

There were no Unfinished Business items.

## **NEW BUSINESS**

20. **INTRODUCTION OF ORDINANCE AMENDMENTS TO THE CITY COUNCIL OF CITY OF DANA POINT, CALIFORNIA MUNICIPAL CODE 1) AMENDING CHAPTER 12.08 TO ALLOW PARKING METER/PAY STATION/MOBILE DEVICE PAYMENT ZONES; 2) ADDING CHAPTER 12.20 OF THE MUNICIPAL CODE TO ESTABLISH A PARKING BENEFIT DISTRICT FOR THE RESIDENTIAL AREA LOCATED TO THE SOUTH OF THE LANTERN DISTRICT; AND 3) INITIATING A NEW PREFERENTIAL PARKING DISTRICT FOR THE**

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**RESIDENTIAL AREA LOCATED TO THE NORTH OF LANTERN DISTRICT/PACIFIC COAST HIGHWAY**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL INTRODUCE AND HOLD A FIRST READING OF ORDINANCES ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08 TO ALLOW PARKING METER/PAY STATION/MOBILE DEVICE PAYMENT ZONES; and*

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 12.20 OF THE DANA POINT MUNICIPAL CODE ESTABLISHING A PARKING BENEFIT DISTRICT SOUTH OF DEL PRADO IN LANTERN VILLAGE; and*

INITIATED A NEW LANTERN VILLAGE PREFERENTIAL PARKING DISTRICT NORTH OF PACIFIC COAST HIGHWAY.

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 9:32 p.m. and announced that the next Regular Meeting of the City Council will be September 1, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.