

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 15, 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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL ADD AN ITEM TO THE CONSENT CALENDAR TO BE LISTED AS ITEM 14 ENTITLED ABATEMENT OF THE DANA MARINA INN.

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

CLOSED SESSION

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), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case: Claim Against Utopia re: Illumination Performance)

C. 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

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 6:00 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 & Facilities; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Matthew Sinacori, City Engineer; Mark Sutton, Building Official; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Farrell had no announcement.

PLEDGE OF ALLEGIANCE

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

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – 2nd Hand Treasures Consignment
Employee of the Month – Shelby Savage
Constitution Week Proclamation

CONSENT CALENDAR

Members of the public removed Items 4 and 8 and Council Member Muller removed Item 11 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 4, 8, AND 11.

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, SEPTEMBER 1, 2015

APPROVED THE MINUTES.

3. FINANCIAL REVIEW COMMITTEE MINUTES, JUNE 10, 2015

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER, THAT CITY COUNCIL DIRECT STAFF TO INCLUDE THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) MEETINGS TO THE COMMUNITY CALENDAR AND TO RECEIVE AND FILE.

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

5. CITY TREASURER'S REPORT, JUNE AND JULY 2015

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JUNE AND JULY, 2015.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. SECOND READING AND ADOPTION 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 RESIDENTIAL AREA LOCATED TO THE NORTH OF LANTERN DISTRICT/PACIFIC COAST HIGHWAY

HELD A SECOND READING AND ADOPTED **ORDINANCE 15-04** 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

HELD A SECOND READING AND ADOPTED **ORDINANCE 15-05** ENTITLED:

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.

- 8. SECOND READING FOR ZONE TEXT AMENDMENT ZTA15-0001 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".**

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

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR OLVERA, THAT CITY COUNCIL HOLD A SECOND READING AND ADOPT **ORDINANCE 15-06** 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.

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

- 9. 2015-2016 DANA POINT YOUTH BOARD APPOINTMENTS**

APPOINTED TEN (10) BOARD MEMBERS AND TWO (2) MEMBERS-AT-LARGE TO THE DANA POINT YOUTH BOARD.

10. DOHENY VILLAGE PLAN UPDATE

RECEIVED AND FILED THE REPORT.

11. THIRD AMENDMENT TO THE OCFA JOINT POWERS AUTHORITY AGREEMENT

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 OPPOSE THE THIRD AMENDMENT TO THE ORANGE COUNTY FIRE AUTHORITY AMENDED JOINT POWERS AUTHORITY AGREEMENT.

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. LICENSING AGREEMENT AMENDMENT #12 WITH DIGITAL MAP PRODUCTS FOR PROPERTY INFORMATION UPDATES AND GIS SERVICES

AUTHORIZED THE CITY MANAGER TO EXECUTE THE LICENSING AGREEMENT AMENDMENT #12 WITH DIGITAL MAP PRODUCTS AND THE CITY OF DANA POINT FOR PROPERTY INFORMATION UPDATES AND GIS SOFTWARE AND SERVICES.

13. DEVELOPMENT PERMITTING SOFTWARE LICENSING AGREEMENT WITH SUNGARD PUBLIC SECTOR, INC.

AUTHORIZED THE CITY MANAGER TO EXECUTE THE DEVELOPMENT PERMITTING SOFTWARE LICENSING AGREEMENT WITH SUNGARD PUBLIC SECTOR, INC. (FORMERLY KNOWN AS CRW SYSTEMS) AND THE CITY OF DANA POINT.

14. ABATEMENT OF THE DANA MARINA INN

RATIFIED THE CONTRACT ASSOCIATED WITH THE EXECUTION OF THE EMERGENCY HAZARD ABATEMENT ORDER FOR THE SUBSTANDARD/DANGEROUS BUILDING ISSUED FOR THE DANA MARINA INN PROPERTY, LOCATED AT 34111 PACIFIC COAST HIGHWAY IN DANA POINT (LANTERN DISTRICT).

PUBLIC COMMENTS

Bill Etienne
William Mower
Mike Powers
Cindy Monroe
Kelly Buchan
Jim Miller
Chip Parker
Michael Fox

PUBLIC HEARINGS

There were no Public Hearings.

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 in the memory of Max Berg, father of Sherry Murphy and former City Clerk of the City of San Clemente at 7:02 p.m. and announced that the next Regular Meeting of the City Council will be October 6, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.