

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
OCTOBER 20, 2015
5:00 P.M.**

MINUTES

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 15-07

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 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:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (2 cases)
- B. 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 5:02 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Olvera reconvened the meeting at 6:14 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chothevys, City Manager; Patrick, City Attorney; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness & Facilities; Lt. Russ 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; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had nothing to report.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations nor Proclamations.

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.

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, OCTOBER 6, 2015

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 28, 2015

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 12, 2015

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, JULY 18, 2015

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. CITY TREASURER'S REPORT, AUGUST 2015

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

9. PETITION REGARDING PROCEEDINGS UNDER THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

RECEIVED AND FILED.

10. UPDATE – DANA POINT HARBOR DEVELOPMENT PROCESS

APPOINTED MAYOR PRO TEM JOHN TOMLINSON AND COUNCIL MEMBER JOE MULLER TO LIAISON WITH SUPERVISOR BARTLETT'S OFFICE IN ORDER TO ASSIST SUPERVISOR BARTLETT IN MOVING THE APPROVED DANA POINT HARBOR COASTAL DEVELOPMENT PERMIT (CDP) FORWARD WITH THE IMPLEMENTATION AND CONSTRUCTION PHASES OF THE HARBOR DEVELOPMENT PROCESS.

11. DOHENY VILLAGE PLAN UPDATE

RECEIVED AND FILED.

12. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY14/15

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 14/15"; APPROVED AWARD OF A CONTRACT TO RJ NOBLE COMPANY FOR CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 14/15, 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, SOILS AND MATERIAL TESTING, SURVEYING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION; AUTHORIZED ADDITIONAL SURVEYING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH HALL AND FOREMAN PER THE FISCAL IMPACT SECTION; AND AUTHORIZED ADDITIONAL INSPECTION MATERIALS AND TESTING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENTS WITH COASTAL GEOTECHNICAL AND GMU FOR GEOTECHNICAL ENGINEERING AND MATERIALS TESTING PER THE FISCAL IMPACT SECTION.

13. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND KEYSER MARSTON ASSOCIATES FOR SERVICES RELATED TO THE DOHENY VILLAGE AREA

AUTHORIZED THE CITY MANAGER TO EXECUTE AN AMENDMENT (THE FIRST AMENDMENT) TO THE AGREEMENT FOR CONSULTANT SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND KEYSER MARSTON ASSOCIATES.

PUBLIC COMMENTS

Penny Maynard, Dana Point, felt that the Art Walk was a wonderful event and suggested that it continue every two months with different themes and then eventually every month.

George Miller, San Juan Capistrano, announced that there was an event scheduled on January 10, 2016 at Doheny State Beach called "Beauty and the Beach". He stated that the event was a fundraiser and that the proceeds would go towards ridone.org that provides beauty services to those in need. He added for more information go to www.beautyandthebeachdoheny.org.

Jim Miller, Dana Point, thanked the City Council and staff for the great job on the Town Center. He felt that the Art Walk was fantastic.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business Items.

NEW BUSINESS

There were no New Business items.

STAFF REPORTS

City Attorney Munoz reported that the Governor had recently signed three bills regarding medical marijuana. He stated that they have evaluated the bills and have put together a summary of the

legislation which will be provided to Council. He added that based on the language of the legislation, staff will be bringing express Ordinances to the City Council in the future.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel stated that he would turn in his list of meetings attended to the City Clerk.

Council Member Viczorek reported that he had attended the Dana Hills High School Alumni volleyball game that he felt was headlined by our own Community Development Director Ursula Luna-Reynosa on October 7 and on October 14 he had attended Jorge Olamendi's Hispanic heritage awards ceremony.

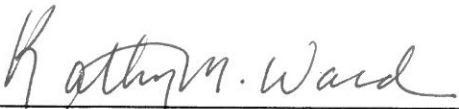
Council Member Muller stated that he had turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Tomlinson reported that he had attended the Dana Point Historical Society Home Tour on October 4 and the Art Walk on October 17.

Mayor Olvera stated that he would turn in his list of meetings attended to the City Clerk. He added that it was nice to see the success that the Art Walk had.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Olvera adjourned the meeting at 6:27 p.m. and announced that the next Regular Meeting of the City Council will be November 3, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF NOVEMBER 3, 2015

Meetings attended since October 6, 2015:

Mayor Carlos N. Olvera

- October 7 - Ribbon Cutting DP Physical Therapy & Amy Elders Fitness
- October 14 - Olamendi's recognition by Assemblyman Brough and BOE Director Diana Harkey
- October 15 - Chamber Mixer
- October 17 - Del Prado Art Walk

Council Member Joseph L. Muller

- October 10 - Dana Point Octoberfest
- October 13 - Meeting with the City Manager
- October 17 - Del Prado Art Walk