

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
NOVEMBER 17, 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. 15-07

### **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 5:05 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 Closed Session discussion and stated that there was also a need to add an additional item to Anticipated Litigation Government Code § 54956.9 (d)(4).

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL ONE ITEM TO ANTICIPATED LITIGATION.

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

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (2 cases):

- California Regional Water Quality Control Board, San Diego Region

- 35291 Beach Road

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

City Attorney Munoz reported that a correction to the agenda was needed to be made on Item 18. He stated that there were only two Resolutions for the Council's consideration.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL AMEND THE AGENDA.

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

Mayor Olvera recessed the meeting into a Closed Session at 5:08 p.m. pursuant to Government Code Section 54956 et seq.

## **RECONVENE CITY COUNCIL MEETING – CALL TO ORDER**

Mayor Olvera reconvened the meeting at 6:18 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; 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; Robert Sedita, Management Analyst; Rachel Johnson, Assistant Administrative Analyst; Jackie Littler, Executive Assistant, DyAnne Weamire, Administrative Assistant, Gail Enriquez, City Clerk Specialist, and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz had no announcement.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Schoeffel.

## **INVOCATION**

The Invocation was provided by OCFA Chaplain Jeff Hetschel.

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## PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Gelson’s Market  
Presentation from Senator Pat Bates

## 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.

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, NOVEMBER 3, 2015**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 26, 2015**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 9, 2015**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, OCTOBER 15, 2015**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CITY TREASURER’S REPORT, OCTOBER 2015**

RECEIVED AND FILED THE CITY TREASURER’S REPORT FOR THE MONTH OF OCTOBER 2015.

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**9. DISPOSITION OF NON-ESSENTIAL CITY RECORDS**

APPROVED THE 2015 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED **RESOLUTION 15-11-17-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.*

**10. APPROVAL OF REVISION TO RECORDS RETENTION SCHEDULES**

ADOPTED **RESOLUTION 15-11-17-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING REVISED RECORDS RETENTION SCHEDULES FOR CERTAIN DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.*

**11. RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE APPROVAL OF THE MEASURE M (M2) EXPENDITURE REPORT FOR FISCAL YEAR 2014-2015**

ADOPTED **RESOLUTION 15-11-17-03** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE RENEWED MEASURE M (M2) EXPENDITURE REPORT FOR THE FISCAL YEAR 2014-2015; and*

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND DIRECTED STAFF TO SUBMIT THE RESOLUTION FOR THE CITY OF DANA POINT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO MAINTAIN ELIGIBILITY IN THE MEASURE M (M2) PROGRAM.

**12. CITY PARKS AND FACILITIES UTILITIES ACCOUNT COST SAVINGS**

RATIFIED THE AGREEMENT BETWEEN THE CITY OF DANA POINT AND PROCURE AMERICA TO EFFECT CHANGES TO UTILITY RATE SCHEDULES IN ORDER TO REALIZE COST SAVINGS.

**13. VAN SCOYOC ASSOCIATES CONTRACT EXTENSION FOR FEDERAL GOVERNMENT REPRESENTATION, ADVOCACY AND CONSULTING SERVICES**

APPROVED A CONTRACT EXTENSION WITH VAN SCOYOC ASSOCIATES FOR FIVE (5) ADDITIONAL ONE-YEAR OPTIONS.

**14. QUARTERLY FINANCIAL REPORT, SEPTEMBER 2015**

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED SEPTEMBER 30, 2015.

**15. APPROVAL TO CARRYOVER EXISTING SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF) AND ALLOCATION OF NEW CITIZEN OPTIONS FOR PUBLIC SAFETY PROGRAM FUNDS TO SLESF**

AMENDED THE FY2015-16 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) BUDGET BY APPROPRIATING \$139,949, INCLUSIVE OF THE CARRYOVER AND FY 2015/16 CITIZEN OPTIONS FOR PUBLIC SAFETY PROGRAM (COPS) FUNDING TO IMPLEMENT AND MAINTAIN THE FOLLOWING PROGRAMS IN THE CITY OF DANA POINT:

- SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR.
- BIKE PATROL PROGRAM.
- PROJECT HIDE IT, LOCK IT, OR LOSE IT.
- PARENT PROJECT CLASSES.
- MOTORCYCLE PROGRAM.
- SPECIAL ENFORCEMENT PROGRAM.
- NATIONAL NIGHT OUT PROGRAM.
- DISASTER RESPONSE PROGRAM.

**16. SECOND AMENDMENT TO AGREEMENT WITH KEYSER MARSTON ASSOCIATES**

AUTHORIZED THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND KEYSER MARSTON ASSOCIATES AND APPROVE AN AMENDMENT TO THE BUDGET.

**17. DOHENY VILLAGE PLAN UPDATE**

RECEIVED AND FILED THIS REPORT.

**PUBLIC COMMENTS**

Heather Johnston  
Terry Goller

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## PUBLIC HEARINGS

**18. RESOLUTION CONDITIONALLY VACATING A PORTION OF DEL PRADO AVENUE NEAR BLUE LANTERN AND A PORTION OF THE STREET OF THE RUBY LANTERN BETWEEN PACIFIC COAST HIGHWAY AND DEL PRADO AS A RESULT OF RECENT STREET IMPROVEMENTS**

IT WAS MOVED BY MAYOR OLVERA, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL ADOPT **RESOLUTION 15-11-17-04** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONDITIONALLY VACATING A PORTION OF DEL PRADO AVENUE (FORMERLY SAN JUAN AVENUE) PER TRACT MAP NUMBER 573 AND ADJACENT TO ASSESSOR PARCEL NUMBERS 682-233-02 AND 682-233-03; and*

ADOPT **RESOLUTION 15-11-17-05** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONDITIONALLY VACATING A PORTION OF THE STREET OF THE RUBY LANTERN (FORMERLY JUANITA STREET), PER TRACT MAP NUMBER 768 AND ADJACENT TO ASSESSOR PARCEL NUMBER 682-231-01; and*

APPROVE A PUBLIC ROADWAY, DRAINAGE, UTILITY AND LANDSCAPE EASEMENT 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

## UNFINISHED BUSINESS

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

IT WAS MOVED BY MAYOR OLVERA, SECONDED BY MAYOR PRO TEM TOMLINSON, THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 53311 ET SEQ. REGARDING THE PETITION TO FORM THE DOHENY BEACH COMMUNITY FACILITIES DISTRICT NO. 2015-1 (CFD NO. 2015-1) AND TO SCHEDULE A PUBLIC HEARING:

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**ADOPT RESOLUTION 15-11-17-06 ENTITLED:**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN; and*

**ADOPT RESOLUTION 15-11-17-07 ENTITLED:**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENTION TO INCUR BONDED INDEBTEDNESS FOR THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH).*

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**

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 Dick Ranger at 7:33 p.m. and announced that the next the next Regular Meeting of the City Council will be December 1, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.