

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
DECEMBER 1, 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 5:06 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 with the exception of Item A and eliminated that item from discussion.

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (1 case):

California Regional Water Quality Control Board, San Diego Region

- 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

City Attorney Munoz reported that a correction to the agenda was needed to be made on Item 11.

Mayor Olvera recessed the meeting into a Closed Session at 5:07 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

Mayor Olvera reconvened the meeting at 6:22 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, Sr. Administrative Assistant, John Tilton, City Architect/Planning Manager, Brian McClure, Parks Manager, Cindy Nelson, Cindy Nelson, Interim Economic Development Manager, Gail Enriquez, City Clerk Specialist, and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Muller.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Keli's Outrigger & Paddle Sports
Employee of the Month – Archie Rempher

CONSENT CALENDAR

A member of the public removed Item #11 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 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. SPECIAL MEETING MINUTES, NOVEMBER 11, 2015

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, NOVEMBER 17, 2015

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 9, 2015

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 23, 2015

RECEIVED AND FILED.

6. YOUTH BOARD MINUTES, NOVEMBER 5, 2015

RECEIVED AND FILED.

7. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, AUGUST 19, 2015

RECEIVED AND FILED.

8. TOURISM BUSINESS IMPROVEMENT DISTRICT MINUTES, OCTOBER 21, 2015

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. AWARD OF CONTRACTS FOR THE MAINTENANCE OF PARK AND FOR THE MAINTENANCE OF LANDSCAPED MEDIANS AND PARKWAYS

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MULLER TO AWARD CONTRACT TO THE SOTO COMPANY FOR \$521,560 PER YEAR FOR LANDSCAPE MAINTENANCE SERVICES FOR THE CITY PARKS; AND AWARDED ANOTHER CONTRACT TO THE SOTO COMPANY FOR \$490,835.99 PER YEAR FOR LANDSCAPE MAINTENANCE SERVICES FOR THE CITY'S 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

12. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2015

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR THE YEAR ENDED JUNE 30, 2015.

13. PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL DEVELOPMENT COUNTER AND INSPECTION SERVICES

AUTHORIZED AND DIRECTED THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT WITH THE CONSULTANT.

PUBLIC COMMENTS

Rene Cortez
Barbara Johannes
Enzo Scoqnamiglio

PUBLIC HEARINGS

14. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2016

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING; AND

ADOPT **RESOLUTION 15-12-01-01** ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2016 ANNUAL REPORT AND DECLARING THE INTENTION OF THE COUNCIL TO CONTINUE

THE PROGRAM AND ASSESSMENTS FOR THE 2016 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

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

15. ELECTION CODE SECTION 9212 REPORT

RECEIVED AND FILED.

16. THE 2015 TOWN CENTER INITIATIVE – EITHER ADOPT THE INITIATIVE ORDINANCE OR CALL A SPECIAL ELECTION

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY MULLER TO SUBMIT THE INITIATIVE ORDINANCE, WITHOUT ALTERATION, TO THE VOTERS FOR A SPECIAL ELECTION TO BE CONSOLIDATED WITH THE JUNE 7, 2016 REGULAR ELECTION; AND:

ADOPT RESOLUTION 15-12-01-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE JUNE 7, 2016 REGULAR ELECTION, FOR THE SUBMISSION TO THE VOTERS OF A QUESTION RELATING TO AMENDING THE TOWN CENTER PLAN; and

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 VICZOREK, SECONDED BY MULLER TO DIRECT THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

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 TO APPOINT THE MAYOR AND MAYOR PRO TEM TO PREPARE THE ARGUMENT IN OPPOSITION TO THE 2015 TOWN CENTER INITIATIVE AND DIRECT STAFF HOW TO PROCEED.

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 ADOPT **RESOLUTION 15-12-01-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE PROVISIONS OF ELECTIONS CODE SECTION 9285(a), AND THEREBY PERMITTING THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES; and

The motion carried by the following vote:

AYES: Council Member J. Scott Schoeffel, Council Member Richard A. Viczorek, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: Council Member Joseph L. Muller

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM TOMLINSON TO APPROPRIATE \$50,000, FROM THE GENERAL FUND UNASSIGNED RESERVE TO THE CITY CLERK PROFESSIONAL ACCOUNT (31-2230) FOR ELECTION SERVICES.

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.

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

The new Mayor is John Tomlinson, the Mayor Pro Tem is Richard A. Viczorek.

B. RECOGNITION OF OUTGOING MAYOR

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Tomlinson adjourned the meeting at 9:00 p.m. and announced that the next Regular Meeting of the City Council will be January 19, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

RECEPTION

REFRESHMENTS WERE SERVED – THE PUBLIC WAS INVITED.