

CITY OF DANA POINT

**CITY COUNCIL
SPECIAL
MEETING**



**MONDAY
DECEMBER 14, 2015
6:00 P.M.**

MINUTES

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

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Tomlinson at 6:03 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

John A. Tomlinson, Mayor
Richard A. Viczorek, Mayor Pro Tem
Joseph L. Muller, Council Member
Carlos N. Olvera, Council Member
J. Scott Schoeffel, Council Member

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; Jennifer Farrell, Assistant City Attorney; Kevin Evans, Director of Community Services; Brad Fowler, Director of Public Works and Engineering; and Lt. Chilton, Chief of Police Services.

PUBLIC COMMENTS

There were no Public Comments.

CONSENT CALENDAR

- 1. INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 5.40 TO THE DANA POINT MUNICIPAL CODE TO PROHIBIT ALL CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, AND THE DELIVERY AND CULTIVATION OF CANNABIS IN THE CITY**

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

City Manager Chotkevys provided an introduction Assistant City Attorney Farrell who provided an overview of the Ordinance.

Council Member Muller asked if this Ordinance was for medical use. He stated that there were rumors that recreational use was going to be on the ballot and asked how this Ordinance would be affected by that.

Assistant City Attorney replied that right now the state legislation affects legal medical marijuana uses. She stated that if there was an initiative that passes, the City Council would have to address this in the future.

Mayor Tomlinson opened the Public Comments.

Penny Maynard, Dana Point, stated that she was concerned that the proposed Ordinance would have an impact on cancer patients who have the need for medical marijuana.

Mayor Tomlinson closed the Public Comments.

Council Member Muller asked for the City Attorney to address the speakers' concerns.

City Attorney Munoz replied that this Ordinance was a business regulation and that in terms of qualified patients, they would not be impacted.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL INTRODUCE AND HOLD A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 5.40 TO THE DANA POINT MUNICIPAL CODE TO PROHIBIT ALL CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, AND THE DELIVERY AND CULTIVATION OF CANNABIS IN THE CITY.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

City Attorney Munoz stated that the City Council would need to make a motion to waive the reading of the Ordinance and approve by title only. He added that the language was not included on the agenda.

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL WAIVE THE READING OF THE ORDINANCE AND APPROVE BY TITLE ONLY.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Council Member Carlos N. Olvera, Mayor Pro Tem Richard A. Viczorek and Mayor John A. Tomlinson
NOES: None
ABSENT: None

CLOSED SESSION

City Attorney Munoz indicated that there was a need for Closed Session discussion as follows:

- A. 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 Tomlinson recessed the meeting into a Closed Session at 6:17 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

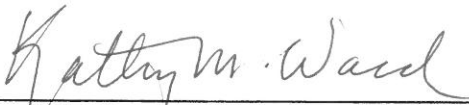
Mayor Tomlinson reconvened the meeting at 7:41 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Tomlinson adjourned the meeting at 7:41 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.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF JANUARY 19, 2016