
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 15, 2015**

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:

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

Absent: None

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

Assistant 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

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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; Patrick Munoz, 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

Management Analyst Sedita provided a PowerPoint presentation. He reported that 2nd Hand Treasures opened in 2010 and that they specialize in furniture and home decor as well as jewelry. He stated that they buy, sell and trade. He added that 2nd Hand Treasures was the "go to" place for antiques and collectibles. Mayor Olvera presented Ziad Mahshi a Certificate of Recognition for 2nd Hand Treasures being selected Business of the Month for September 2015 and Heather Johnston, CEO of the Dana Point Chamber of Commerce presented the Mahshis with a Certificate and a marketing package for the Chamber.

Shop Del Prado Program Presentation and Prize Drawing

Mayor Olvera drew the September ticket and announced that the winner was Robert McDonald.

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Employee of the Month - Shelby Savage

Assistant City Manager Killebrew reported that Shelby had started with the City 14 years ago. He stated that Shelby has been a critical piece of the City's human resources helping out with all facets of the department. He congratulated Shelby on her upcoming retirement. Mayor Olvera presented Shelby with a Certificate of Recognition for being selected the Employee of the Month for September, 2015.

Constitution Week Proclamation

Mayor Olvera presented a Proclamation to Mary Lou Rodearmel and Janice Sherertz from the Daughters of the Revolution proclaiming September 17-23 as Constitution Week.

Mayor Olvera invited Joe Massi a Council Member visiting from New York to come up and provide a few words.

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 JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO ACCEPT 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

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.

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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.

Jim Miller, Dana Point, reported that he could not find the TBID meeting on the event calendar and felt that the meetings should be listed since they were public meetings.

City Manager Chotkevys stated that there was a meeting scheduled for September 22 at 10 a.m. and asked Assistant City Manager Killebrew why it was not listed.

Assistant City Manager Killebrew replied that it had never been listed on the calendar but it would be added.

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

The motion carried by the following vote:

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

NOES: 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

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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.

Betty Hill, Capistrano Beach, stated that 4,240 signatures were turned in today to qualify the 2015 Dana Point Initiative as a ballot measure. She added that the proposed parking plan was unfair to the tax payers and that the City needed to find a fair compromise.

City Manager Chotkevys stated that the Ordinance reflects the modifications made at the last meeting by the Council for the first reading and that the recommendation tonight was for a second reading and adoption.

IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY MAYOR CARLOS N. OLVERA, 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

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*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

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.

Council Member Muller stated that the third amendment eliminates all of the alternates. He explained that there was legislation in Sacramento that was going to change the JPA and twelve cities were going to lose their vote. He added that this deal was struck to try and stop that. He stated that at the same time, they were offering teleconferencing for the absent Directors. He added that at the last Board meeting, the teleconferencing was voted down so now if a Director is not at the meeting, the city would not have a vote. He stated that because of that, he opposes amending the JPA.

Council Member Viczorek stated that the City needs a voice on the Board. He further explained that at the time the Board was acting, it was presented to the Board of Directors that the only way to stop this Bill from going through was to take the step to eliminate the alternate Directors. He stated that the City supported elimination to retain a representation on the Board. He added that the Bill was originally introduced by Assembly Member Tom Daly of Anaheim. He stated that even though the Bill has been pulled, he felt that the Bill will resurface next year because of the election. He added that by eliminating the alternate the City is not going to gain anything by supporting this amendment. He felt that the City would be in a better position to address what to do if the Bill is revived next year if we oppose this now.

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Mayor Olvera stated that he understands that the City is making a statement by opposing the amendment and that was perfectly fine with him.

IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER RICHARD A. VICZOREK, TO 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

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, Mission Viejo, Leader of Boy Scout Troop 734 of Aliso Viejo, stated that the troop was in the audience tonight to see the community government at work.

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William Mower, Huntington Beach, stated that he had developed an application called Represent.xyz and asked the Council for a private meeting to go over the details of his app. He added that he would like to get advice on representing people's opinions.

City Manager Chotkevys recommended that Mr. Mower call him to set up a meeting.

Mike Powers, Dana Point, spoke regarding the Illuminocean cancellation. He stated that he would like to assist the City with keeping this event going for the Christmas season. He added that he may have found a solution; the Sepsis foundation may be willing to sponsor Illuminocean to provide awareness of the disease.

Cindy Monroe, Dana Point, spoke in favor of Illuminocean returning this winter. She stated that the feeling of people is that the City is failing the community by cancelling this event. She asked the City Council to look for ways of saving Illuminocean.

Kelly Buchan, Dana Point, spoke regarding security at Sycamore Park. He asked if the City had any plans for more lighting and security. He reported that there have been problems with transients coming into the community.

City Manager Chotkevys replied that the lighting was engineered so that there was no spill over into the neighboring homes. He encouraged telephone calls to the Sheriff's Department for any issues that arise.

Jim Miller, Dana Point, thanked the City for doing the extra lighting this holiday season. He encouraged the City to discuss with those interested who would like to invest in an Illuminocean type event.

Chip Parker, Dana Point, reported that this month is National Sepsis Alliance Awareness Month. He stated that when he heard about Illuminocean he thought it would be a great way to bring awareness to this disease and sponsor if possible.

Michael Fox, Dana Point, stated that Illuminocean was an amazing first event. He added that this event needs support from the City Council to make this happen with the private sector.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

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PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys thanked the boy scouts for coming to the meeting. He reported that this past month we lost Sherry Murphy's father, Max Berg. He stated that Max had been a fixture in Orange County for a long time and asked if the Mayor could adjourn in his memory and acknowledge his contribution to San Clemente and Orange County.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel stated Rest In Peace Max.

Council Member Viczorek reported that on August 28 he met with a representative from Opticos regarding the Doheny Village Plan at City Hall.

Council Member Muller congratulated the new Youth Board appointees and thanked the scouts for coming to the meeting tonight. He stated that he would turn in his list of meetings attended to the City Clerk.

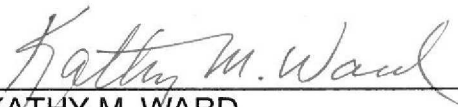
Mayor Pro Tem Tomlinson thanked the scouts for coming out and for the respect they showed in the meeting. He stated that he would turn in his list of meetings attended to the City Clerk.

Mayor Olvera stated that he would turn in his list of meetings attended to the City Clerk. He thanked the scouts for coming out to the meeting. He announced that Coastal Clean-up day was scheduled for Saturday, September 19 and added for more details go to the City's calendar. He encouraged participation in the Relay For Life taking place at Lantern Bay Park.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Olvera adjourned the meeting in 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.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF OCTOBER 6, 2015

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Meetings attended since September 1, 2015:

Mayor Carlos N. Olvera

September 3	South OC Watershed Area Management meeting
September 8	Financial Review Committee, City of Dana Point
September 11	Heroes Run, Sea Terrace Park
September 15	OC Historical Commission

Council Member Joseph L. Muller

September 8	Monarch Bay Terrace Board Meeting
	Doheny Village Planning Charrette
September 9	Doheny Village Planning Charrette