

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
MARCH 1, 2016  
5:00 P.M.**

## **ACTION AGENDA**

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

Next City Council Ordinance No. 16-03

### **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 5:01 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 *(Arrived at 5:04 p.m.)*

### **CLOSED SESSION**

City Attorney Munoz indicated that there was a need for a Closed Session 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 5:02 p.m. pursuant to Government Code Section 54956 et seq.

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

Mayor Tomlinson reconvened the meeting at 6:16 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Mike Rose, Director of Disaster Preparedness; 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; John Tilton, City Architect; Evan Langan, Associate Planner; Rachel Johnson, Assistant Administrative Analyst; Jackie Littler, Executive Assistant; DyAnne Weamire, Senior Administrative Assistant; Bobbi Ogan, Deputy City Clerk; and Gail Enriquez, City Clerk Specialist.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Schoeffel

## **INVOCATION**

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

## **PRESENTATIONS AND PROCLAMATIONS**

Business of the Month – El Patio  
Employee of the Month – Robert French  
Certificate of Recognition for Liz Claus

## **CONSENT CALENDAR**

Members of the public removed Item 10 and Council Member Muller removed Item 13 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 10 AND 13.

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

### **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, FEBRUARY 16, 2016**

APPROVED THE MINUTES.

**3. SPECIAL MEETING MINUTES, FEBRUARY 22, 2016**

APPROVED THE MINUTES.

**4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 8, 2016**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 22, 2016**

RECEIVED AND FILED.

**6. YOUTH BOARD MEETING MINUTES, JANUARY 21, 2016**

RECEIVED AND FILED.

**7. TOURISM BUSINESS IMPROVEMENT DISTRICT MINUTES, DECEMBER 11, 2015**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**9. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**10. RATIFY AGREEMENT WITH AITKEN, AITKEN & COHN FOR SPECIALIZED LEGAL SERVICES**

This item was removed from the Consent Calendar by members of the Public.

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL RATIFY THE AGREEMENT ENTERED BETWEEN THE CITY AND AITKEN, AITKEN AND COHN (AITKEN) FOR LEGAL SERVICES PREVIOUSLY EXECUTED BY THE CITY MANAGER PURSUANT TO HIS SPENDING AUTHORITY, IN ORDER TO AUTHORIZE THE CONTINUATION OF SERVICES PURSUANT TO THAT AGREEMENT IN THE EVENT THE COSTS INCURRED EXCEED THE LIMITS OF THE CITY MANAGER'S SPENDING AUTHORITY.

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

**11. CONSIDERATION OF A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM**

ADOPTED **RESOLUTION 16-03-01-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS; and*

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY.

**12. LETTER IN OPPOSITION TO AB 1362**

AUTHORIZED THE MAYOR TO SEND A LETTER IN OPPOSITION TO AB 1362 ON BEHALF OF THE CITY COUNCIL.

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

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE BUILDING PLAN REVIEW AND INSPECTION PROFESSIONAL SERVICES AGREEMENTS WITH WEST COAST CODE CONSULTANTS, INC. (WC3) AND CSG CONSULTANTS, INC. (CSG).

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

**PUBLIC COMMENTS**

Paul Wyatt  
Kim Tilly  
Cindy Fleming  
Betty Hill  
William Petersen

Gail Benda  
Dr. Greg Van Dyke  
Sandie Iverson  
Shaun Prestridge

## **PUBLIC HEARINGS**

**14. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF VARIANCE V15-0004 TO ALLOW THE CONVERSION OF CRAWL SPACE INTO A FOURTH STORY AT A CURRENTLY THREE-STORY DUPLEX LOCATED AT 33895 CALLE LA PRIMAVERA**

IT WAS MOVED BY MAYOR TOMLINSON, SECONDED BY COUNCIL MEMBER OLVERA, THAT:

(1) THE CITY COUNCIL HOLD A PUBLIC HEARING AND UPHOLD THE PLANNING COMMISSION'S ACTION TO DENY THE REQUEST FOR VARIANCE V15-0004 AND ADOPT RESOLUTION **16-03-01-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA UPHOLDING THE PLANNING COMMISSION'S DENIAL OF VARIANCE V15-0004 FOR CREATION OF A FOURTH-STORY BY ALLOWING CONVERSION OF CRAWL SPACE TO HABITABLE FLOOR-AREA AT A CURRENTLY THREE-STORY DUPLEX LOCATED AT 33895 CALLE LA PRIMAVERA; AND*

*(2) FOR THE SAKE OF CLARITY, DUE TO EXISTING GRAMMATICAL ERRORS, THE MINUTES SHOULD REFLECT THAT THE FIRST SENTENCE OF EACH OF THE "FINDINGS" IN THE PLANNING COMMISSION RESOLUTION REFLECT THE FINDINGS REQUIRED BY THE CITY'S MUNICIPAL CODE, AND THE SUBSEQUENT SENTENCES REFLECT THE FACTUAL DETERMINATIONS RELATED TO EACH SUCH FINDING.*

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

## **UNFINISHED BUSINESS**

There was no Unfinished Business items.

## **NEW BUSINESS**

There was no New Business items.

## **PUBLIC COMMENTS (Continued)**

There were no additional Public Comments received.

## **STAFF REPORTS**

There were no 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 8:19 p.m. and announced that the next Regular Meeting of the City Council will be March 15, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.