

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JULY 19, 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. 16-05

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

CLOSED SESSION

City Attorney Munoz 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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

City of Dana Point, et al v Sobertec LLC, et al; Orange County Superior Court Case No. 30-2016-00859437-CU-MC-CJC; and

City of Dana Point, et al v. Capo By the Sea, Inc; Orange County Superior Court Case No. 30-2016-00859426-CU-MC-CJC

- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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 6:02 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Assistant City Manager; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Rachel Johnson, Assistant Administrative Analyst; Matthew Schneider, Planning Manager; Brian McClure, Interim Director of Community Services and Parks; Mark Sutton, Building Official; DyAnne Weamire, Senior Administrative Assistant, and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had nothing to report.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Viczorek.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Business of the Month - Dana Point Auto Services
Employee of the Month – Donna Ducharm

CONSENT CALENDAR

A member of the Public removed Item 18 and Council Member Muller removed Items 10, 12, and 13 from the Consent Calendar.

Council Member Muller asked for his vote on Item 3 to be registered as an abstention due to the fact that he did not participate in that meeting.

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, 12, 13, AND 18.

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, JUNE 21, 2016

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, JULY 5, 2016

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, JUNE 13, 2016

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 27, 2016

RECEIVED AND FILED.

6. ARTS AND CULTURE COMMISSION MEETING MINUTES, APRIL 20, 2016

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER REPORTS, MAY AND JUNE, 2016

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF MAY AND JUNE.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. DOHENY VILLAGE PLAN UPDATE

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 RECEIVE AND FILE THIS REPORT AS WELL AS DIRECT STAFF TO CONDUCT PUBLIC MEETINGS BEGINNING AFTER LABOR DAY FOR DISCUSSIONS ON THE PROPOSED PARKING STANDARDS IN THE DOHENY VILLAGE.

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. INTERVENTION SPECIALIST AGREEMENT FY2016-2017

AUTHORIZED THE CITY MANAGER TO APPROVE A CONTRACT FOR CONSULTANT SERVICES FOR THE INTERVENTION SPECIALIST PROGRAM, AND APPROVED UP TO TWO, ONE-YEAR RENEWALS IN ACCORDANCE WITH THE FISCAL IMPACT SECTION.

12. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE DEL OBISPO STREET ARTERIAL ROADWAY RESURFACING PROJECT FY 15/16

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR TOMLINSON, THAT THE CITY COUNCIL APPROVE THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "DEL OBISPO STREET ARTERIAL ROADWAY RESURFACING PROJECT FY 15/16"; APPROVE AWARD OF CONTRACT TO THE RJ NOBLE COMPANY FOR CONSTRUCTION OF THE DEL OBISPO STREET ARTERIAL ROADWAY RESURFACING PROJECT FY 15/16, PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, SURVEYING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT; AUTHORIZE ADDITIONAL SURVEYING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC.; AUTHORIZE ADDITIONAL MATERIALS INSPECTION AND TESTING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENTS WITH GMU GEOTECHNICAL FOR GEOTECHNICAL ENGINEERING AND MATERIALS TESTING; AND

APPROVE THE RECOMMENDED FUNDING TRANSFER NOTED IN THE FISCAL IMPACT SECTION.

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

13. TOPOGRAPHIC SURVEY AND LANDSCAPE DESIGN SERVICES FOR CROWN VALLEY MEDIAN DROUGHT CONVERSION PROJECT

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM VICZOREK, THAT THE CITY COUNCIL APPROVE AN AMENDMENT WITH INTEGRATION DESIGN STUDIO, INC. FOR LANDSCAPE AND IRRIGATION DESIGN FOR THE CROWN VALLEY MEDIAN DROUGHT CONVERSION PROJECT; AUTHORIZE TOPOGRAPHIC SURVEY SERVICES WITH DAVID EVANS AND ASSOCIATES, INC. PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT; AND AUTHORIZE THE FUNDING TRANSFER NOTED IN THE FISCAL IMPACT SECTION.

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

14. ADOPT A RESOLUTION AUTHORIZING THE REMEDIATION OF A BIRD NUISANCE AT SALT CREEK OUTFALL IN ACCORDANCE WITH MUNICIPAL ORDINANCE SECTION 10.14.040

ADOPTED RESOLUTION 16-07-19-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DECLARATION AND REMEDIATION OF A BIRD NUISANCE AT SALT CREEK OUTFALL IN ACCORDANCE WITH MUNICIPAL ORDINANCE CHAPTER 10.14.040; and

AUTHORIZED THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH COUNTY OF ORANGE TO MANAGE SUBJECT BIRD NUISANCE.

15. APPROVAL OF AN AGREEMENT WITH SOUTH COAST WATER DISTRICT TO OPERATE THE HEADLANDS COMMUNITY FACILITIES DISTRICT STORM DRAIN DIVERSION AT BABY BEACH TO MAINTAIN WATER QUALITY

APPROVED AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE CITY OF DANA POINT'S INTERIM USE OF FACILITIES TO DIVERT DRY WEATHER FLOWS FROM BABY BEACH VIA DIVERSION, AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN THE AGREEMENT.

16. APPROVAL OF FIRST AMENDMENT TO AN EXISTING AGREEMENT WITH SOUTH COAST WATER DISTRICT TO CONTINUE TO OPERATE STORM DRAIN DIVERSIONS AT HEADLANDS

ACCEPTED THE FIRST AMENDMENT TO THE EXISTING AGREEMENT FOR THE FACILITY OPERATION AND MAINTENANCE BETWEEN SOUTH COAST WATER DISTRICT AND THE CITY OF DANA POINT; AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN THE AGREEMENT.

17. APPROVAL OF A FIRST AMENDMENT WITH CO'S TRAFFIC CONTROL FOR SPECIAL EVENT TRAFFIC CONTROL

APPROVED A FIRST AMENDMENT WITH CO'S TRAFFIC CONTROL, INCORPORATED FOR PLACEMENT OF SPECIAL EVENT TRAFFIC CONTROL FOR CITY EVENTS, AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN THE AGREEMENT.

18. SECOND READING AND ADOPTION OF ORDINANCE WITH CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED ZONE TEXT AMENDMENT ZTA13-0001, LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001; SPECIFIC PLAN AMENDMENT SPA13-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 TO AMEND THE CITY'S ZONING ORDINANCE AND THE DANA POINT SPECIFIC PLAN TO ALLOW SHORT TERM RENTALS IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR TOMLINSON, THAT THE CITY COUNCIL CONTINUE THE ITEM TO THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 20, 2016 TO ALLOW ALL OF THE INTERESTED STAKEHOLDERS TO PROVIDE TESTIMONY ON THIS TOPIC.

The motion carried by the following vote:

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

NOES: Mayor Pro Tem Richard A. Viczorek

ABSENT: None

PUBLIC COMMENTS

Bob Becker
Karl Kuhn
Joseph Moderow
Jorge Luhan
Sandie Iverson
Lynn Smith

PUBLIC HEARINGS

19. 2016 WEED ABATEMENT ADMINISTRATIVE CITATION PROGRAM

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM VICZOREK, THAT THE CITY COUNCIL CONDUCT A HEARING ON THE WEED ABATEMENT COST REPORT AND DELINQUENT ADMINISTRATIVE CITATION FINES, THEREAFTER, ADOPT **RESOLUTION 16-07-19-02** CONFIRMING THE COST REPORT/DELINQUENT ADMINISTRATIVE CITATION FINES AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT/DELINQUENT ADMINISTRATIVE CITATION FINES AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

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.

NEW BUSINESS

There was no New Business.

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 Tomlinson adjourned the meeting at 8:48 p.m. and announced that the next Regular Meeting of the City Council will be August 2, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.