

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
AUGUST 16, 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 5:02 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), (5 cases)

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 6:26 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; Matthew Schneider, Planning Manager; Sean Nicholas, Senior Planner; Brian McClure, Interim Director of Community Services and Parks; Mark

Sutton, Building Official; Matthew Kunk, Senior Civil Engineer; Brandy Boca, Associate Engineer; 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 Council Member Muller.

INVOCATION

The Invocation was provided by Pastor Rob De Klotz of South Shores Church.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations nor Proclamations.

CONSENT CALENDAR

A member of the public removed Item 10 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER SCHOEFEL, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.

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, JULY 19, 2016

APPROVED THE MINUTES.

3. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

4. CITY TREASURER’S REPORT, JULY 2016

RECEIVED AND FILED THE CITY TREASURER’S REPORT FOR THE MONTH OF JULY 2016.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY AND VCA CODE GROUP FOR PLAN CHECK SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT.

7. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR APRIL - JUNE 2016

RECEIVED AND FILED.

8. DOHENY VILLAGE PLAN UPDATE

RECEIVED AND FILED THIS REPORT.

9. RESOLUTION CONDITIONALLY VACATING A PORTION OF DEL PRADO AVENUE NEAR BLUE LANTERN AS A RESULT OF RECENT STREET IMPROVEMENTS

ADOPTED **RESOLUTION 16-08-16-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA CONDITIONALLY VACATING A PORTION OF DEL PRADO AVENUE (FORMERLY SAN JUAN AVENUE) PER TRACT MAP NUMBER 573 AND ADJACENT TO ASSESSOR PARCEL NUMBER 682-233-01; and

APPROVED A PUBLIC ROADWAY, DRAINAGE, UTILITY AND LANDSCAPE EASEMENT AGREEMENT.

10. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND OPTICOS DESIGN, INC. FOR SERVICES RELATED TO THE CREATION OF A FORM BASED CODE FOR THE DOHENY VILLAGE AREA

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

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER SCHOEFEL, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE

AN AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND OPTICOS DESIGN, INC.

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

Dominic Cox
Barbara Johannes
Barbara Wilson
Earl Gilday
Miriam Rupke
Robin Dier
Shevy Akason
John Marshall
Sharon Marshall
Toni Nelson
Betty Hill
Markus Lenger
Doris Chan
Roger Malcolm

PUBLIC HEARINGS

11. **ZONE TEXT AMENDMENT ZTA16-0001, LOCAL COASTAL PROGRAM AMENDMENT LCPA16-00001, AND GENERAL PLAN AMENDMENT GPA16-0001; TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDGP), TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESS WAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN AND THE USE OF THREE RETRACTABLE GATES**

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM VICZOREK, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING; ADOPT THE FOLLOWING RESOLUTION APPROVING GPA16-0001 AND REQUESTING CERTIFICATION OF LCPAQ16-0001 FROM THE CALIFORNIA COASTAL COMMISSION:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING GENERAL PLAN AMENDMENT GPA16-00001 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 TO AMEND LAND USE POLICY 5.31 AND

REQUESTING CERTIFICATION OF LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 BY THE CALIFORNIA COASTAL COMMISSION; and

Introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA16-0001 TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN; SECTION 4.0 TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESS WAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member 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

12. HEARING ON THE APPEAL OF THE DETERMINATION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT THAT THE PROPERTY LOCATED AT 35291 BEACH ROAD IS WITHIN THE FP-3 FLOODPLAIN OVERLAY DISTRICT

City Attorney Munoz reported that the appellant had withdrawn his request for the appeal.

13. HEARING ON A REQUEST FOR AN EXCEPTION TO THE FLOODPLAIN OVERLAY DISTRICT REGULATIONS FOR THE PROPERTY LOCATED AT 35291 BEACH ROAD

Mayor Tomlinson recused himself from this item due to a potential conflict of interest and left the Council Chambers at 7:42 p.m.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE PROPERTY OWNER'S REQUEST FOR AN EXCEPTION TO THE FLOODPLAIN REGULATIONS LIMITING MODIFICATION TO STRUCTURES LOCATED IN THE FP-3 FLOODPLAIN OVERLAY DISTRICT FOR THE PROPERTY AT 35291 BEACH ROAD (APN. 691-151-10) ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, GRANTING AN EXCEPTION TO CHAPTER 9.31.050 (c) (3) (A) TO ALLOW RETENTION OF ALTERATIONS EXCEEDING TEN PERCENT (10%) OF THE VALUATION OF THE BUILDING FOR THE PROPERTY LOCATED AT 35291 BEACH ROAD.

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 Pro Tem Richard A. Viczorek

NOES: None

ABSENT: None

RECUSED: Mayor John A. Tomlinson

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Mayor Tomlinson returned to the Council Chambers at 7:54 p.m.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Tomlinson adjourned the meeting at 7:57 p.m. in honor of Council Member Olvera's birthday and announced that the next Regular Meeting of the City Council will be September 6, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.