
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

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 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor John A. Tomlinson
Mayor Pro Tem Richard A. Viczorek
Council Member Joseph L. Muller
Council Member Carlos N. Olvera
Council Member J. Scott Schoeffel
Absent: None

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), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case) Name of Case: City of Dana Point v. Headlands Reserve LLC, Sanford Edward, et al (Orange County Superior Court Case No. 30-2016-00872051)
- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6 Agency Designated Representatives: City Manager Unrepresented and Represented Employees: All positions in City

Mayor Tomlinson 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 Tomlinson reconvened the meeting at 6:23 p.m. All Council Members were present.

STAFF PRESENT: Patrick Munoz, City Attorney; Mike Killebrew, Acting City Manager; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton;

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Ursula Luna-Reynosa, Director of Community Development; Mark Denny, Deputy City Manager; Matthew Schneider, Planning Manager; Brian McClure, Deputy Director of Community Services and Parks; Mark Sutton, Building Official; Eric Haghani, Senior Structural Engineer; Matthew Sinacori, Deputy Director of Public Works and Engineering; and Gail Enriquez, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no report.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

There was no invocation provided.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

UNFINISHED BUSINESS

1. ARTS AND CULTURE COMMISSION INTERVIEWS

The City Council conducted interviews in five minute intervals to fill one position on the Dana Point Arts and Culture Commission. The City Council interviewed the following candidates:

Diane Drolet
Lynn Smith
Dori Campbell
Anthony Small
Scott Green

BY A MAJORITY VOTE, ANTHONY SMALL WAS APPOINTED TO THE ARTS AND CULTURE COMMISSION.

CONSENT CALENDAR

A member of the public removed Item 8 and a member of staff removed Item 9 from the Consent Calendar.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER, ACCEPT THE RECOMMENDATIONS FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 8 AND 9.

The motion carried by the following vote:

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

NOES: None

2. 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.

3. SPECIAL MEETING MINUTES, OCTOBER 12, 2016

APPROVED THE MINUTES.

4. REGULAR MEETING MINUTES, OCTOBER 18, 2016

APPROVED THE MINUTES.

5. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 26, 2016

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, SEPTEMBER 2016

A member of the public removed this item.

Acting City Manager Killebrew provided a staff report.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Mayor Tomlinson opened the public comments.

Buck Hill, Capistrano Beach, felt that the financial reporting that staff provides was inadequate and encouraged the City Council to request a quarterly report on a regular basis.

Mayor Tomlinson closed the public comments:

Acting City Manager Killebrew clarified that the 4th quarter financial report was provided to Council as well as posted on the City's website. He stated that the report includes unaudited numbers and that he was in the process of reviewing the final audited financial reports. He added that the City was on target this year and that every expenditure that the City makes was included in the Registrar of Demands which is a monthly expenditure report provided to Council.

IT WAS MOVED BY MAYOR JOHN A. TOMLINSON, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, THAT THE CITY COUNCIL RECEIVE AND FILE THE CITY TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER 2016.

The motion carried by the following vote:

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

NOES: None

9. ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 17146 AT 34202 DEL OBISPO (DEL OBISPO AND PCH) AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT

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

Acting City Manager Killebrew introduced the item. Deputy City Manager Denny provided a summary of the item and Director of Community Development Luna-Reynosa provided a PowerPoint presentation.

Council Member Muller asked if local artists would be used for the sculptures.

Director Luna-Reynosa replied that the developer would ultimately be choosing the artists, but City staff were trying to connect them with local artists.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR JOHN A. TOMLINSON, THAT THE CITY COUNCIL ADOPT **RESOLUTION 16-11-01-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 17146 AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

The motion carried by the following vote:

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

NOES: None

PUBLIC COMMENTS

Craig Williamson, Dana Point, spoke regarding the Coastal Kitchen and the violation of their Conditional Use Permit.

Ladan Williamson, Dana Point, spoke regarding the parking violations being made by the Coastal Kitchen.

Thomas Volkmann, Dana Point, spoke regarding compliance issues regarding his business on Del Prado.

Robert Williams, Dana Point, spoke regarding Mr. Volkmann's business and clarified that neither he nor his wife were the residents that had complained.

City Attorney Munoz reported that the City takes Code Enforcement issues very seriously and that there was a process that staff follows to balance the interest of the people who are complaining and those who are being complained about. He stated that in Mr. Volkmann's case; that there were about a dozen efforts made since 2002 to get Mr. Volkmann to come into compliance with the Code. He added that staff had met with him numerous times and had issued numerous notices of violation and Mr. Volkmann had made multiple assurances to the City that he would take action to fix the problems and he never has. He stated that finally the City felt the need to take action so he was sent a notice that the City would be taking legal action and just this morning Mr. Volkmann signed a settlement agreement to resolve the matters and in the agreement he was given a year to solve the problems which is what he had asked for because we were trying to work with him and find middle ground. He added that in contrast the City received complaints about Coastal Kitchen from the other speakers and staff has investigated them. He stated that there have been multiple noise studies completed in response to the noise complaint and staff has concluded that there is no noise problem. He added that there were a number of other complaints that had no merit. He stated

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

that the City has put the owner of the restaurant on notice of the complaints and it was the beginning of a process where if there were on-going violations, the City would take action as appropriate.

PUBLIC HEARINGS

- 10. ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2016 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA ENERGY CODE, 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS**

Acting City Manager Killebrew introduced the item and Director Reynosa introduced Senior Structural Engineer Haghani who provided a staff report.

Council Member Olvera asked what a sky lantern was.

Senior Structural Engineer Haghani replied that they are lanterns that have a candle in them that float in the air.

Council Member Muller asked what the difference was between prescriptive code and performance code.

Senior Structural Engineer Haghani replied that prescriptive codes are used for simple projects and performance codes are for more complicated projects.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING, INTRODUCE AND HOLD FOR A FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION OF THE CALIFORNIA

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

ELECTRICAL CODE, 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2016 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA ENERGY CODE, 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS; AND

ADOPT RESOLUTION 16-11-01-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; AND

INSTRUCT THE BUILDING OFFICIAL TO FILE THE RESOLUTION WITH THE CALIFORNIA BUILDING STANDARDS COMMISSION AND A COPY TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

The motion carried by the following vote:

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

NOES: None

UNFINISHED BUSINESS (CONTINUED)

- 11. CONSIDERATION OF RESOLUTION OF THE CITY OF DANA POINT CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF DANA POINT IN THE CSCDA OPEN PACE PROGRAM; AND OTHER MATTERS RELATED THERETO**

Acting City Manager Killebrew provided a staff report.

Mayor Tomlinson opened the public comments.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Jeremy Hutman (Open PACE), provided details on the PACE Program. He asked the Council to approve the program to allow homeowners to make their own decisions.

Michael McKinney, Yorba Linda (Renew Financial), spoke of the benefits of the PACE program. He asked the Council to authorize the program.

Erin McKeon, Huntington Beach (HERO Program), spoke of the education program that they run for the realtors. She felt that this program was an option that people should have available to them.

Brent Neben, Aliso Viejo (Ygrene Energy Fund), spoke of the benefits of these types of programs from creating jobs to improving properties.

Mayor Tomlinson closed the public comments.

Council Member Schoeffel asked Acting City Manager Killebrew if the reason for his support of this program were the safeguards that had been built into the process that should mitigate some of the concerns presented by speakers at the last meeting.

Acting City Manager Killebrew replied that was correct. He stated that he had been involved in evaluating this program since 2008/2009 and at first was not supportive of the program. He added that the County had been looking into creating a Joint Powers Authority, but back then staff was not in support due to the immaturity of the program. He stated that incrementally there have been improvements of the program, and staff can now be supportive of it but felt that there could still be more improvements made.

Council Member Schoeffel asked if the program came with his recommendation.

Acting City Manager Killebrew replied yes that he was looking at it as a state program and that it was safe enough to endorse. He stated that what he was recommending was for the City Council to consider this program that was offered through the CSCDA Joint Powers Authority which the City was already a member of.

Council Member Schoeffel stated that as a member of the JPA we would be able to provide input on issues we considered to be important to our residents and receive feedback.

Acting City Manager Killebrew clarified that we would be one of hundreds of voices, but the Council has the ability to adopt another resolution to not participate in the program.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Council Member Olvera asked how does PACE and HERO merge or is one the umbrella and one the implementer.

Acting City Manager Killebrew replied that Open PACE is the state program and within that program HERO is an administrator.

Council Member Olvera asked if the State was delegating this to the cities; why the State doesn't handle this.

Acting City Manager Killebrew replied that the State has some financial backing for this in case there are defaults. He stated that the way the State law was set up was to allow the cities to participate through the JPA.

Council Member Olvera asked about his earlier comment that we putting our name on it.

Acting City Manager Killebrew replied that by adopting a resolution you would be allowing them to operate in Dana Point.

Mayor Tomlinson asked who the regulatory agency was that oversees the activities.

Jeremy Hutman replied that there were several layers of oversight for this program. He stated that at the highest level the California Alternative Energy and Transportation Financing Authority oversees their underwriting practices. He added then there is the California Statewide Communities Development Authority which is the Joint Powers Authority that sponsors the program and then at the local level cities have the ability to opt-in or opt-out which gives them the ultimate control.

Mayor Tomlinson asked what the origination fee was.

Jeremy Hutman replied that the initial closing fee is 6.5% which was wrapped into the financing and paid over the course of the term.

Mayor Tomlinson asked about the subordination of the loan.

Jeremy Hutman replied that if during a sale or a refinance if a property owner receives pushback from the lender then Open PACE will contractually subordinate the PACE assessment.

Council Member Muller asked by Open PACE does not subordinate immediately, why they wait until a refinance or a sale.

Jeremy Hutman replied that they do not subordinate initially to keep the interest rates lower.

Council Member Muller asked when they are qualifying someone for a PACE loan, is it determined whether they have the ability to pay the loan or if there is just enough equity in the house to cover the loan.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Jeremy Hutman replied that it is an equity based financing. He stated that they only finance projects that lead to reduced energy or water bills so that increases the homeowner's ability to service the financing.

Council Member Muller asked if by adopting this resolution if the City Council allows them the ability to use our tax levying authority.

Jeremy Hutman replied yes.

Council Member Muller stated that there has not been a single statement made tonight that could convince him that this program would be good for Dana Point and that he could not support this.

Mayor Pro Tem Viczorek asked Acting City Manager Killebrew about his recommendation of this program.

Acting City Manager Killebrew replied that he said that it is buyer beware and stated that this was another option for homeowners.

IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY MAYOR PRO TEM RICHARD A. VICZOREK, THAT THE CITY COUNCIL NOT ADOPT A RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF DANA POINT IN THE CSCDA OPEN PACE PROGRAMS.

The motion carried by the following vote:

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

NOES: Council Member Carlos N. Olvera

NEW BUSINESS

12. DANA POINT GRAND PRIX CYCLING EVENT STATUS

Acting City Manager Killebrew provided a staff report.

The City Council questioned staff about past expenses and sponsorships.

Mayor Tomlinson opened the public comments.

Roger Worthington, Dana Point (Dana Point Community Cycling Foundation), stated that he appreciates the City's investment of the last ten years. He reported that the foundation has been able to secure sponsorship from an international company for the next year. He announced that next year's event will be consolidated into one day.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Gail Andler, Dana Point, stated that she and her husband volunteer for the bike race and felt that the City shines with events like this. She encouraged the City Council to find ways for the bike race to continue.

Mayor Tomlinson closed the public comments.

Council Member Muller asked if the \$100,000 sponsor was for the next three years or annually.

Roger Worthington replied that it was for one year.

Council Member Schoeffel stated that he likes this event and that his observation going forward is the problem has been solved with the major sponsorship.

Mayor Tomlinson stated that it is not only attendance but it is exposure on the internet worldwide that is important. He added that he was convinced that if revenues can be increased through sponsorships and reduce costs it would a good thing.

Council Member Muller stated that the sponsorship was exactly what these types of events should be doing. He felt that it was a great event for the City and that he would like to see it continue, but would like to set up a timeline when the Foundation could take this event over from the City.

Council Member Olvera felt that the public comments had convinced him that the race needs to continue.

Mayor Pro Tem Viczorek commended staff on the excellent report. He stated that he likes this event and does not want it to go away but was concerned whether or not this was a core function of our government. He added that this event needs to stand on its own and the City should not have to continue funding it. He stated that he did not see how this event was beneficial for the businesses and hotels.

THE CITY COUNCIL DIRECTED THE ACTING CITY MANAGER TO WORK WITH STAFF TO CONTINUE TO PARTNER WITH DANA POINT COMMUNITY CYCLING FOUNDATION, INC. FOR THE 2017 DANA POINT GRAND PRIX SPORT AND FAMILY FESTIVAL AND TO OBTAIN A TIMELINE WHEN THE FOUNDATION COULD TAKE OVER THE EVENT.

13. CITY COUNCIL POLICY NO. 210 – THE SECOND CITY COUNCIL MEETING IN DECEMBER

City Clerk Ward provided a staff report.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Council Member Schoeffel stated that he would support holding a second meeting in December. He felt that it was a small change in policy and a good alternative.

Mayor Pro Tem Viczorek asked if Council needed to change the policy; could we wait to if the election was certified in time for the first meeting and if not, then hold the second meeting.

City Attorney Munoz replied that as a practical matter having something in writing allows the Council to be more transparent.

Council Member Muller suggested just moving the one meeting in December to the second Tuesday.

City Attorney Munoz replied that there were rules about what needed to occur at regular meetings as opposed to special meetings.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL AMEND POLICY 210.

The motion carried by the following vote:

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

NOES: None

14. AUTHORIZE THE CITY MANAGER TO REQUEST THAT THE CALIFORNIA COASTAL COMMISSION CONTINUE ITEM 15.A – CITY OF DANA POINT LCP AMENDMENT NO. 1-44 (LCP 5-DPT-14-0105-1) (SHORT-TERM RENTALS)

City Attorney Munoz provided a staff report.

Council Member Schoeffel clarified that it would be without prejudice to the LCPA process in general so that it was truly neutral to either side which may turn out to be a controversy here.

City Attorney Munoz replied that was correct.

Mayor Tomlinson opened the public comments.

Barbara Wilson, Dana Point, felt that the signatures obtained on the petitions were a clear overwhelming outcry to not pass the measure and added that there was no doubt that if put to a vote of the citizens that it would be defeated. She asked the City Council to repeal the ordinance and to use the money instead to hold community meetings to determine what the residents really want.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Jason Colaco, Dana Point, stated that he represents a group called "Dana Point Friendly" and that they support the LCPAs that were passed by the City Council on May 17th of this year. He asked the Council to not ask the Coastal Commission to delay their vote.

Mark Zanides, Dana Point, agreed that it would be confusing for the Coastal Commission to hold a hearing during the middle of a referendum process. He felt that City Attorney Munoz should address the legal arguments made in a letter submitted by Mr. Rosen.

Mayor Tomlinson closed the public comments.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL AUTHORIZE THE ACTING CITY MANAGER TO REQUEST THAT THE CALIFORNIA COASTAL COMMISSION CONTINUE ITEM 15.A - CITY OF DANA POINT LCP AMENDMENT NO. 1-14 (LCP 5-DPT-14-0105-1) (SHORT-TERM RENTALS), SCHEDULED FOR NOVEMBER 4, 2016, UNTIL AFTER THE ORANGE COUNTY REGISTRAR OF VOTERS VERIFIES SIGNATURES TO DETERMINE QUALIFICATION FOR A REFERENDUM.

The motion carried by the following vote:

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

NOES: None

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

Acting City Manager Killebrew reported that Camp Ronald McDonald thanked the City for supporting their "Cowabunga" campaign and that the City of Newport Beach will be hosting the cows next.

City Attorney Munoz announced that Assistant City Attorney Alisha Patterson had a baby at 1:28 a.m. this morning.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

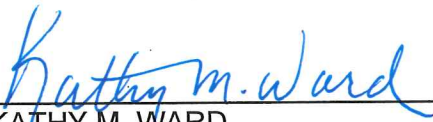
COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Olvera stated that he had turned in his list of meetings attended to the City Clerk.

Mayor Tomlinson stated that he would turn in his list of meetings attended to the City Clerk.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Tomlinson adjourned the meeting at 9:41 p.m. and announced that the next Regular Meeting of the City Council will be November 15, 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 NOVEMBER 15, 2016

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 1, 2016**

Meetings attended since October 18, 2016:

Mayor John A. Tomlinson

October 26 - Pines Park Art Dedication
October 27 - Senator Pat Bates Mayor/Mayor Pro Tem Breakfast

Council Member Joseph L. Muller

October 15 - TCA
October 19 - Lunch with 5 Bars
October 26 - Meeting with Consultant Re CCC
 SCAG Big Shake
 Art Dedication in Pines Park
October 27 - Senator Bates Breakfast update

Council Member Carlos N. Olvera

October 19 - Meeting with Community Development Director Luna-Reynosa
October 20 - Vector Control