

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
DECEMBER 6, 2016  
5:00 P.M.**

## **ACTION AGENDA**

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

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Next City Council Ordinance No. 16-09

### **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 Closed Session discussion as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (5 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

Surfrider Foundation v. City of Dana Point; San Diego Superior Court Case No. 37-2010-00099878

City of Dana Point v. Headlands Reserve LLC, Sanford Edward, et al (Orange County Superior Court Case No. 30-2016-00872051)

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 6:00 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; 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; Bev Brion, Accounting Supervisor; Matthew Sinacori, Deputy Director of Public Works and Engineering; Kelly Reenders, Economic Development Manager, Rachel Johnson, Assistant Administrative Analyst, and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had no reportable items with the exception that a lawsuit has been filed against Luminance Health Care which operates a sober living home in the City.

## **PLEDGE OF ALLEGIANCE**

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

## **INVOCATION**

The Invocation was provided by Orange County Sheriff Chaplain Jim Davis.

## **PRESENTATIONS AND PROCLAMATIONS**

Business of the Month – The Craft House  
Employee of the Month – Monique Leon

## **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.

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, NOVEMBER 15, 2016**

APPROVED THE MINUTES.

**3. SPECIAL MEETING MINUTES, NOVEMBER 18, 2016**

APPROVED THE MINUTES.

**4. PLANNING COMMISSION MEETING MINUTES, OCTOBER 17, 2016**

RECEIVED AND FILED.

**5. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, AUGUST 17, 2016**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**8. CITY TREASURER'S REPORT, OCTOBER 2016**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF OCTOBER 2016.

**9. QUARTERLY FINANCIAL REPORT, SEPTEMBER 2016**

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED SEPTEMBER 30, 2016.

**PUBLIC COMMENTS**

Beth Mays  
Rick Erkeneff  
Wayne Rayfield  
Penny Maynard

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## **PUBLIC HEARINGS**

There were no Public Hearing items.

## **UNFINISHED BUSINESS**

### **10. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DANA POINT AND THE HOBIE MEMORIAL FOUNDATION**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL AUTHORIZE THE ACTING CITY MANAGER TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH HOBIE MEMORIAL FOUNDATION (THE "FOUNDATION") FOR THE FABRICATION OF THE HOBIE MEMORIAL (THE "MEMORIAL") AT THE LINEAR PARK FRONTING PACIFIC COAST HIGHWAY.

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

## **NEW BUSINESS**

### **11. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2016**

IT WAS MOVED BY MAYOR TOMLINSON, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL RECEIVE AND FILE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR THE YEAR ENDED JUNE 30, 2016.

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

**12. DISCUSSION REGARDING DATE UPON WHICH TO HOLD SECOND MEETING IN DECEMBER**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR TOMLINSON, THAT THE MAYOR ADJOURN THIS MEETING TO WEDNESDAY, DECEMBER 14, 2016 AT 6:00 P.M.

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 (Continued)**

There were no additional Public Comments received.

**CITY COUNCIL REORGANIZATION**

**A. COUNCIL REORGANIZATION**

IT WAS MOVED BY MAYOR TOMLINSON, SECONDED BY COUNCIL MEMBER OLVERA, TO HAVE COUNCIL MEMBER SCHOEFFEL SERVE AS MAYOR FOR THE NEXT MEETING.

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

IT WAS MOVED BY MAYOR SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, TO HAVE COUNCIL MEMBER TOMLINSON SERVE AS MAYOR PRO TEM FOR THE NEXT MEETING.

The motion carried by the following vote:

- AYES: Council Member Carlos N. Olvera, Council Member John A. Tomlinson, and Mayor J. Scott Schoeffel
- NOES: Council Member Joseph L. Muller and Mayor Pro Tem Richard A. Viczorek
- ABSENT: None

## **STAFF REPORTS**

## **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Schoeffel adjourned the meeting at 7:58 p.m. and announced that the next Regular Meeting of the City Council will be December 14, 2016, at 6:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.