

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JANUARY 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. 16-01

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 5:03 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), (1 case)

Name of Case: City of Dana Point v. California Coastal Commission, et al
Case No. 37-2010-00099827

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: Assessor's Parcel Number 682-172-11
Agency Negotiator: Doug Chotkevys, City Manager
Negotiating Parties: City of Dana Point and County of Orange and Saddleback Community College District
Under Negotiation: Price and terms of agreement relating to property

Mayor Tomlinson recessed the meeting into a Closed Session at 5:04 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Tomlinson reconvened the meeting at 6:35 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; 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; Jennifer Farrell, Assistant City Attorney; Mark Sutton, Building Official; Kevin Evans, Director of Community Services and Parks; Rachel Johnson, Assistant Administrative Analyst; Robert Sedita, Management Analyst; John Tilton, City Architect; Kurth Nelson, Senior Planner; Jackie Littler, Executive Assistant; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Olvera.

INVOCATION

The Invocation was provided by Pastor David Mattson of Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Casanova Ristorante
Employee of Month – Jeff Rosaler

CONSENT CALENDAR

A member of the public removed Item 16 and Council Member Schoeffel removed Item 18 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 16 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, DECEMBER 1, 2015

APPROVED THE MINUTES.

3. SPECIAL MEETING MINUTES, DECEMBER 14, 2015

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 23, 2015

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, DECEMBER 14, 2015

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, DECEMBER 3, 2015

RECEIVED AND FILED.

7. WATER AND SEWER COMMITTEE ACTIONS, MEETING OF APRIL 30, 2015

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, NOVEMBER 2015

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF NOVEMBER, 2015

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 5.40 TO THE DANA POINT MUNICIPAL CODE TO PROHIBIT ALL CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, AND THE DELIVERY AND CULTIVATION OF CANNABIS IN THE CITY

HELD A SECOND READING AND ADOPTED **ORDINANCE 16-01** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 5.40 TO THE DANA POINT MUNICIPAL CODE TO PROHIBIT ALL CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, AND THE DELIVERY AND CULTIVATION OF CANNABIS IN THE CITY.

12. PARK/MEDIAN PROJECTS UPDATE AND PLAN ADJUSTMENTS

APPROVED ADJUSTMENTS TO CURRENT PLANNED AND BUDGETED PARK/MEDIAN PROJECTS AND APPROVED FUNDING AND CONTRACT ADJUSTMENTS.

13. DOHENY VILLAGE PLAN UPDATE

RECEIVED AND FILED THE STATUS REPORT AND APPROVED A BUDGET TRANSFER OF \$57,600 FROM THE GENERAL FUND'S FUND BALANCE INTO ACCOUNT 56-2230 FOR ADDITIONAL CITY TRAFFIC ENGINEERING SERVICES.

14. AFFORDABLE CARE ACT SAFE HARBORS

ADOPTED **RESOLUTION 16-01-19-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING THE LOOK BACK MEASUREMENT SAFE HARBOR AND AFFORDABILITY SAFE HARBORS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (ACA).

15. ANNUAL REVIEW OF THE INVESTMENT POLICY

APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY ("INVESTMENT POLICY").

16. RECOMMENDED 2016 SUMMER TROLLEY PLAN ADJUSTMENTS

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL AUTHORIZE STAFF TO SUBMIT A GRANT PROPOSAL TO OCTA.

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

17. SCOPE OF WORK FOR THE 2016 COMPREHENSIVE GENERAL PLAN UPDATE REQUEST FOR PROPOSALS

CONFIRMED THE SCOPE OF WORK FOR THE COMPREHENSIVE UPDATE TO THE DANA POINT GENERAL PLAN REQUEST FOR PROPOSALS.

18. HOMELESS TASK FORCE UPDATE AND APPROVAL OF AN AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND MERCY HOUSE

Council Member Schoeffel removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT AND DIRECT THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND MERCY HOUSE (THE "AGREEMENT") TO CONDUCT HOMELESS OUTREACH EFFORTS IN CONJUNCTION WITH POLICE SERVICES AND PREPARE A HOUSING PLACEMENT STRATEGY.

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

19. AMENDMENT TO CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND MICHAEL BAKER INTERNATIONAL

AUTHORIZED THE CITY MANAGER TO RATIFY THE AGREEMENT AND EXECUTE THE FIRST AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT (THE "FIRST AMENDMENT"), BY AND BETWEEN THE CITY AND MICHAEL BAKER INTERNATIONAL (THE "CONSULTANT") TO PREPARE THE ENVIRONMENTAL IMPACT REPORT ("EIR") FOR THE DOHENY VILLAGE PLAN (THE "PLAN").

20. PLANNING SERVICES AGREEMENT WITH LILLEY PLANNING GROUP

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT (THE "AGREEMENT") BY AND BETWEEN THE CITY AND LILLEY PLANNING GROUP (THE "CONSULTANT") FOR PLANNING SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT.

21. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND NELSON/NYGAARD CONSULTING ASSOCIATES FOR SERVICES RELATED TO THE TRAFFIC IMPACT ANALYSIS FOR THE DOHENY VILLAGE PLAN ENVIRONMENTAL IMPACT REPORT

AUTHORIZED THE CITY MANAGER TO EXECUTE AN AMENDMENT (THE "FIRST AMENDMENT") TO THE AGREEMENT FOR CONSULTANT SERVICES BY AND BETWEEN

THE CITY OF DANA POINT AND NELSON/NYGAARD CONSULTING ASSOCIATES (THE "CONSULTANT").

22. YOUTH AND GROUP FACILITY – DANA POINT HARBOR JOINT PROPOSAL WITH SADDLEBACK COLLEGE

RECEIVED THE WRITTEN STAFF REPORT AT THE CITY COUNCIL MEETING.

23. ORANGE COUNTY TRANSPORTATION AUTHORITY PROPOSED 2016 BUS SERVICE PLAN

RECEIVED AND FILED SUBJECT REPORT.

24. RATIFICATION OF AGREEMENT WITH RICHARDS, WATSON AND GERSHON FOR SPECIALIZED LEGAL SERVICES

ADOPTED A MOTION RATIFYING THE AGREEMENT ENTERED BETWEEN THE CITY AND RICHARDS, WATSON AND GERSHON ("RWG") 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.

PUBLIC COMMENTS

Dan Daley
Bret Johnson

PUBLIC HEARINGS

25. CONDUCT A PUBLIC HEARING AND HOLD A SPECIAL ELECTION FOR THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) AND ADOPT VARIOUS RESOLUTIONS AND AN ORDINANCE FORMING THE DISTRICT

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM VICZOREK, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING AND CONTINUE THE ITEM TO THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 16, 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

26. WATER EFFICIENT LANDSCAPE ORDINANCE – ZONE TEXT AMENDMENT ZTA15-0002

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING 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 ZTA15-0002, AMENDING THE CITY OF DANA POINT ZONING ORDINANCE, CHAPTER 9.55 FOR THE PURPOSE OF UPDATING THE WATER EFFICIENT LANDSCAPE STANDARDS IN ACCORDANCE WITH THE GOVERNOR'S APRIL 1ST DROUGHT EXECUTIVE ORDER (B-19-15).

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 were no Unfinished Business items.

NEW BUSINESS

27. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL ACCEPT THE RECOMMENDATIONS MADE BY MAYOR TOMLINSON WITH RESPECT TO THE ANIMAL SERVICES SUBCOMMITTEE, CALIFORNIA JOINT POWERS INSURANCE AUTHORITY, THE OCEAN INSTITUTE BOARD OF DIRECTORS, AND THE FINANCIAL REVIEW COMMITTEE.

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 COUNCIL MEMBER OLVERA, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL ACCEPT THE MAYOR'S RECOMMENDATION FOR THE FOOTHILL/EASTERN AND THE SAN JOAQUIN TRANSPORTATION CORRIDOR AGENCIES.

The motion carried by the following vote:

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

NOES: Council Member Muller and Mayor Pro Tem Viczorek

ABSENT: None

28. THE 2015 TOWN CENTER INITIATIVE CITY COUNCIL DISCUSSION

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL DIRECT THE MAYOR AND MAYOR PRO TEM TO WORK WITH STAFF TO DRAFT AN ORDINANCE FOR THE CITY COUNCIL'S CONSIDERATION AT THE NEXT REGULAR MEETING ON FEBRUARY 2, 2016 FOR POSSIBLE INCLUSION ON THE JUNE BALLOT.

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.

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 8:50 p.m. and announced that the next Regular Meeting of the City Council will be February 2, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.