
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 15, 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 5:02 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 - 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.

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 6:08 p.m. All Council Members were present.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

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; John Tilton, City Architect; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Assistant; DyAnne Weamire, Senior Administrative Assistant, and Bobbi Ogan, Deputy City Clerk.

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PLEDGE OF ALLEGIANCE

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

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Deputy of the Year - Mike Woodruff

Lt. Chilton introduced Deputy Woodruff. He reported that Deputy Woodruff was serving as our School Resource Officer at the high school. He stated that it was a challenging job and that he has done an outstanding job working with the children and the school district. Lt. Chilton presented Deputy Woodruff with a Certificate of Recognition for being named the Deputy of the Year.

Orange County Human Relations Council Annual Report

Bill Wood presented a report on the Orange County Human Relations Council Annual Report for the past year which included 39 mediated cases as well as 12 family mediations; documented two hate crimes and one hate incident. Mr. Wood presented a Certificate of Appreciation to the Mayor for the City's involvement.

Certificate of Recognition for Michael Leahy

Mayor Tomlinson presented Mike Leahy with a Certificate of Recognition and a City tile for his service on the Traffic Improvement Subcommittee.

CONSENT CALENDAR

Members of the public removed Items 9 and 10 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER, THAT THE CITY COUNCIL ACCEPT THE RECOMMENDATIONS FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9 AND 10.

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

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- 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, MARCH 1, 2016**

APPROVED THE MINUTES.

- 3. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

- 4. CITY TREASURER'S REPORT, FEBRUARY 2016**

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

- 5. TOURISM IMPROVEMENT DISTRICT MINUTES, FEBRUARY 17, 2016**

RECEIVED AND FILED.

- 6. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

- 7. STREET SWEEPING MAINTENANCE SERVICES AGREEMENT RENEWAL**

AUTHORIZED A CONTRACT EXTENSION WITH RENEWAL OPTIONS FOR STREET SWEEPING SERVICES FROM THE CURRENT SERVICE PROVIDER, CLEAN STREET, INC., AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT AND THE FUTURE EXTENSIONS AS APPROPRIATE.

- 8. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AN APPLICATION FOR ADDITIONAL GRANT FUNDS WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE 2016 PROJECT "V" CALL FOR PROJECTS**

ADOPTED RESOLUTION 16-03-15-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR THE ORANGE COUNTY TRANSPORTATION AUTHORITY'S 2016

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PROJECT "V" CALL FOR PROJECTS; and AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN GRANT DOCUMENTS, AND AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY.

9. DOHENY VILLAGE PLAN UPDATE

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

Community Development Director Luna-Reynosa provided a staff report.

Mayor Tomlinson opened the Public Comments.

Laurance Robinson, Capistrano Beach/Capo Cares, encouraged the City Council to create a reserve fund for use in Capistrano Beach.

Mayor Tomlinson closed the Public Comments.

IT WAS MOVED BY COUNCIL MEMBER CARLOS N. OLVERA, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE THIS REPORT.

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

10. FISCAL YEAR 2015-2016 BUDGET STATUS REPORT

City Manager Chotkevys introduced the item and Assistant City Manager Killebrew provided a staff report.

Mayor Tomlinson opened the Public Comments.

Toni Nelson, Capistrano Beach/Capo Cares, asked the City Council to identify specific funds to be set aside for improvements to be made in Doheny Village.

Steve Stewart, Dana Point, spoke of the request to increase the funds for City Attorney fees.

Mayor Tomlinson closed the Public Comments.

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IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY MAYOR JOHN A. TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE THIS REPORT.

The motion carried by the following vote:

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

NOES: Council Member J. Scott Schoeffel

11. THIRD AMENDMENT TO AGREEMENT WITH KEYSER MARSTON ASSOCIATES

AUTHORIZED THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT (THE "THIRD AMENDMENT") TO THE AGREEMENT FOR CONSULTANT SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND KEYSER MARSTON ASSOCIATES (THE "CONSULTANT"), AND APPROVED AN AMENDMENT TO THE BUDGET AS DESCRIBED IN THE FISCAL IMPACT SECTION.

12. ANNUAL HOUSING ELEMENT PROGRESS REPORT

RECEIVED AND FILED THE ANNUAL HOUSING ELEMENT REPORT.

PUBLIC COMMENTS

Gail Benda, Dana Point, spoke of the Variance that was requested at the last meeting and stated that she was disappointed with the way Council and staff handled the resident. She felt that staff should have offered to help find a compromise.

Mary Therese Spivy, Capistrano Beach/Capo Cares, thanked the City Council for repairing the grass in Pines Park. She felt that a dog park would be a solution to the dirt area.

Jim and Cynthia Carrol, Dana Point, stated that he was the CEO of Game Changer Charity. He provided the background of how he and his wife Cynthia created Game Changer Charity. He spoke of the many lives their charity has helped in the last nine years. He proposed a Dana Point Gaming and Music Festival which would offer character-based college scholarships to children in Dana Point. He proposed a date in October when many of the large game corporations would be in the area for a game festival. He stated that 100% of the proceeds would go to the community, to families who are suffering, and for scholarships.

City Manager Chotkevys replied that the appropriate process would be for Kevin Evans to agendize this proposal on the next Arts and Culture agenda, receive a recommendation, and then it could be discussed at a future City Council meeting.

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Cindy Fleming, Dana Point, spoke of the businesses that have left the Lantern District.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

13. TRAFFIC IMPROVEMENT SUBCOMMITTEE VACANCY – MICHAEL LEAHY

City Manager Chotkevys provided a staff report.

Council Member Schoeffel thanked Mr. Leahy for his service and made a motion based on staff's recommendation.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL ACCEPT THE LETTER OF RESIGNATION FROM TRAFFIC IMPROVEMENT SUBCOMMITTEE CHAIR MICHAEL LEAHY, DIRECT STAFF TO ADVERTISE THE NOTICE OF VACANCY FOR 30 DAYS, ACCEPT APPLICATIONS WHICH THE COUNCIL WOULD REVIEW, AND APPOINT A REPLACEMENT.

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

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel wished everyone a Happy St. Patrick's day and mentioned that it was his mother's birthday. He thanked City staff, the Festival of Whales

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committee and everyone who participated in the past two weekends to make this a great festival and he added that he looks forward to next year.

Council Member Olvera stated that he shared Council Member Schoeffel's comments on the Festival of Whales.

Council Member Muller reported that the Appellate Court just rendered a decision upholding the lower court's decision that the 2nd amendment which was authorizing equity payments to member cities for overpayment of services as invalid. He stated that the City of Irvine is the largest receiver of those contributions and they have made it known that if the payments did not continue they may consider leaving the Fire Authority. He also spoke of the Fire Authority's unfunded pension liabilities and the questions that raises about who is responsible.

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

Mayor Tomlinson thanked staff for the Festival of Whales events. He 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 7:04 p.m. and announced that the next Regular Meeting of the City Council will be April 5, 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 APRIL 19, 2016

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Meetings attended since March 1, 2016:

Mayor John A. Tomlinson

March 4 - R.H. Dana Elementary School 50th Anniversary
March 5 - Festival of Whales Parade
March 12 - 5th Annual Clam Chowder Cook-Off
March 13 - Whale of a Concert and BBQ

Mayor Richard A. Viczorek

March 2 - Captain's Chair Ribbon Cutting
March 5 - Festival of Whales Parade
March 9 - Craft House Ribbon Cutting

Council Member Carlos N. Olvera

March 2 - Captain's Chair Ribbon Cutting
March 4 - R.H. Dana Elementary's 50 Year Celebration
March 5 - Festival of Whales Parade
March 9 - Craft House Ribbon Cutting
March 10 - Vector Control Board Meeting
March 12 - Saddleback Foundation Gala
March 13 - Festival of Whales BBQ
March 15 - Orange County Historical Commission Meeting