

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
MAY 17, 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. 16-03

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:

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 (*Arrived at 5:10 p.m.*)

CLOSED SESSION

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (1 case): California Regional Water Quality Control Board, San Diego Region

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 6:09 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; John Tilton, City Architect; Brian McClure, Interim

Director of Community Services and Parks; Mark Sutton, Building Official; Jackie Littler, Executive Assistant; DyAnne Weamire, Senior Administrative Assistant, and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Muller.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

CUSD Teacher of the Year

Recognition of DP Path Students (formerly SOS)

Boys & Girls Club of Capistrano Valley – Youth of the Year

Orange County Chapter of the American Society of Civil Engineers Presentation

Orange County Engineering Council Presentation

CONSENT CALENDAR

Mayor Tomlinson removed Item 2 and Council Member Olvera removed Items 11, 15, and 16 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 11, 15, AND 16.

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, APRIL 19, 2016

Mayor Tomlinson removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR TOMLINSON, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL APPROVE THE MINUTES WITH AMENDMENT.

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

3. PLANNING COMMISSION MEETING MINUTES, APRIL 11, 2016

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 9, 2016

RECEIVED AND FILED.

5. DOHENY VILLAGE CODE COMMITTEE ACTIONS, MEETING OF MAY 10, 2016

RECEIVED AND FILED.

6. DOHENY VILLAGE CODE COMMITTEE ACTIONS, MEETING OF MAY 12, 2016

RECEIVED AND FILED.

7. YOUTH BOARD MEETING MINUTES, FEBRUARY 18, 2016

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. OCTA CORRIDOR STUDY FOR PCH COMPLETE STREET – LONG RANGE BICYCLE AND PEDESTRIAN FACILITY IMPROVEMENT PLAN PRESENTATION

RECEIVED SUBJECT PRESENTATION FROM OCTA.

11. COMPLETION OF WEBSITE UPGRADE BY VISION INTERNET

Council Member Olvera removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY MAYOR TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE STAFF TO GO LIVE WITH THE CITY'S NEW WEBSITE.

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. DOHENY VILLAGE PLAN UPDATE

RECEIVED AND FILED THIS REPORT.

13. QUARTERLY FINANCIAL REPORT, MARCH 2016

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED MARCH 31, 2016.

14. SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 2.20 OF THE DANA POINT MUNICIPAL CODE ENTITLED "EMERGENCY ORGANIZATION"

HELD A SECOND READING AND ADOPTED **ORDINANCE 16-03** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE.

15. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND JUDITH BIJLANI

Council Member Olvera removed this item and Item 16 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL RATIFY THE AGREEMENT ENTERED BETWEEN THE CITY AND JUDITH A. BIJLANI FOR INTERIM MANAGEMENT SERVICES FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID), PREVIOUSLY EXECUTED BY THE CITY MANAGER PURSUANT TO HIS SPENDING AUTHORITY, AND AMEND THE AGREEMENT; AND

AUTHORIZE THE CITY MANAGER TO EXECUTE AN OPERATING AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE RESORTS OF DANA POINT ASSOCIATION, INC. TO PROVIDE TOURISM RELATED SERVICES ON BEHALF OF THE TOURISM BUSINESS IMPROVEMENT DISTRICT.

The motion for both Items 15 and 16 were 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

16. OPERATING AGREEMENT BETWEEN CITY OF DANA POINT AND THE RESORTS OF DANA POINT ASSOCIATION, INC.

AUTHORIZED THE CITY MANAGER TO EXECUTE AN OPERATING AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE RESORTS OF DANA POINT ASSOCIATION, INC. TO PROVIDE TOURISM RELATED SERVICES ON BEHALF OF THE TOURISM BUSINESS IMPROVEMENT DISTRICT.

17. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 24711 EL CAMINO CAPISTRANO

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE AT 24711 EL CAMINO CAPISTRANO TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

18. APPROVAL OF FIRST AMENDMENT TO CONTRACT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES

AUTHORIZED THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE CONTRACT AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR ANNUAL TREE MAINTENANCE SERVICES NOT TO EXCEED THE APPROVED BUDGET AMOUNT.

19. ADOPT A RESOLUTION AUTHORIZING THE CITY OF DANA POINT TO SUBMIT A LOCAL COASTAL PROGRAM PLANNING GRANT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION

ADOPTED **RESOLUTION 16-05-17-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY OF DANA POINT TO SUBMIT A LOCAL COASTAL PROGRAM PLANNING GRANT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION; AND

AUTHORIZED THE CITY MANAGER TO SIGN ALL NEEDED DOCUMENTATION UNDER THE CALIFORNIA COASTAL COMMISSION GRANT PROGRAM.

20. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS CITY PARKS AND FACILITIES AND MODIFY HOURS OF USE IN THE STRAND ACCESS AREAS

HELD A SECOND READING AND ADOPTED **ORDINANCE 16-04** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 13.04.030 OF THE DANA POINT MUNICIPAL CODE, RELATING TO HOURS OF USE IN PUBLIC PARKS AND FACILITIES, INCLUDING STRAND ACCESS AREAS IN THE DANA POINT HEADLANDS, AND REPEALING CITY OF DANA POINT ORDINANCE NO. 10-05.

21. ARTS AND CULTURE VACANCY – JUDITH NOWLAND

ACCEPTED THE LETTER OF RESIGNATION FROM ARTS AND CULTURE COMMISSIONER JUDITH NOWLAND, DIRECTED STAFF TO ADVERTISE THE NOTICE OF VACANCY FOR 30 DAYS, AND ACCEPT APPLICATIONS FOR COUNCIL'S REVIEW AND FUTURE APPOINTMENT.

22. OCTA SENIOR MOBILITY PROGRAM AGENCY SERVICE PLAN

FORMALLY ADOPTED THE SERVICE PLAN FOR THE ORANGE COUNTY TRANSPORTATION AUTHORITY'S (OCTA) SENIOR MOBILITY PROGRAM AND AUTHORIZED THE CITY MANAGER TO SIGN THE SERVICE PLAN.

PUBLIC COMMENTS

Pamela Schuler
Cindy Monroe
Cyndi Elders
Gary Macrides
Enzo Scognamiglio

PUBLIC HEARINGS

23. CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED ZONE TEXT AMENDMENT ZTA13-0001, LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001; SPECIFIC PLAN AMENDMENT SPA13-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 TO AMEND THE CITY'S ZONING ORDINANCE AND THE DANA POINT SPECIFIC PLAN TO ALLOW SHORT TERM RENTALS IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL ADOPT SUGGESTED MODIFICATIONS AS APPROVED BY THE CALIFORNIA COASTAL COMMISSION IN ITS CERTIFICATION OF THE CITY OF DANA POINT LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 AND

LCPA13-0002 AND FORWARD THE ADOPTED SUGGESTED MODIFICATIONS TO THE COASTAL COMMISSION FOR FINAL CERTIFICATION, AND

1) INTRODUCED FOR FIRST READING TWO AMENDED ORDINANCES ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT SPA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED WITHIN THE SPECIFIC PLAN'S BOUNDARIES, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION, and

2) ADOPTED THE FOLLOWING TWO **RESOLUTIONS 16-05-17-02 AND 16-05-17-03** REQUESTING CERTIFICATION OF THE LCPA FROM THE CALIFORNIA COASTAL COMMISSION:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 REQUESTING 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

24. APPROVAL OF A LEASE AGREEMENT WITH COMMUNITY HOUSE, INC. FOR USE OF PARKING AS SHARED, PUBLIC PARKING AT 24642 SAN JUAN AVENUE, DANA POINT

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL APPROVE A LEASE AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT, AND COMMUNITY HOUSE, INC., AUTHORIZING THE CITY ATTORNEY TO APPROVE NON-SUBSTANTIVE CHANGES TO THE AGREEMENT AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

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

NEW BUSINESS

25. TRAFFIC IMPROVEMENT SUBCOMMITTEE INTERVIEWS

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, TO APPOINT JEFF HOWELL TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

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)

Carol Kelly
Bob Theel
Juinton Lin
Justin Basie
Franco Arena
Jason Check
Cindy Fleming

Betty Hill
George Ray
Patti Short

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 8:41 p.m. and announced that the next Regular Meeting of the City Council will be June 21, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.