

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
SEPTEMBER 20, 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. 16-08

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 (*Arrived at 5:05 p.m.*)

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), (2 cases):

Name of Case: City of Dana Point, et al v Sobertec LLC, et al; Orange County Superior Court Case No. 30-2016-00859437-CU-MC-CJC; and

Name of Case: City of Dana Point, et al v. Capo By the Sea, Inc; Orange County Superior Court Case No. 30-2016-00859426-CU-MC-CJC

- B. 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 5:02 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Tomlinson reconvened the meeting at 6:09 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; Matthew Schneider, Planning Manager; Rachel Johnson, Assistant Administrative Analyst; Shelley Velez, Senior Personnel Analyst; Brian McClure, Interim Director of Community Services and Parks; Mark Sutton, Building Official; Matthew Sinacori, City Engineer; 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 Mayor Pro Tem Viczorek.

INVOCATION

The Invocation was provided by Orange County Fire Authority Chaplain, Jeff Hetschel.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – The Shwack Beach Grill
Employee of the Month – Sean Nicholas
DAR Constitution Week
Lantern District Public Art Competition

CONSENT CALENDAR

Council Member Muller removed Items 8, 10, 12, 13 and Mayor Pro Tem Viczorek removed Item 14 from the Consent Calendar.

City Attorney Munoz reported that there was a typographical error on the agenda for Item 2; the correct date should be September 6, 2016. He added that the information provided in the agenda packet was correct and that the Agenda would be revised to reflect the correct date.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 8, 10, 12, 13, AND 14.

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, SEPTEMBER 6, 2016

APPROVED THE MINUTES.

3. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, MAY 18, 2016

RECEIVED AND FILED.

4. ARTS AND CULTURE COMMISSION MEETING MINUTES, JUNE 15, 2016

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, AUGUST 2016

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. FISCAL YEAR 2016-17 PROPOSED BUDGET ADJUSTMENTS (CARRY-OVER)

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR TOMLINSON, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL AMEND THE FY2016-17 ("FY17") BUDGET BY AUTHORIZING THE CARRY-OVER AND RE-APPROPRIATION OF ENCUMBERED AND UNENCUMBERED FUNDS FROM FY16 TO FY17; AND AUTHORIZE THE CITY MANAGER TO RATIFY AND EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN WEST COAST CIVIL, INCORPORATED AND THE CITY OF DANA POINT.

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

9. DOHENY VILLAGE PLAN UPDATE

RECEIVED AND FILED THIS REPORT.

10. SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS AND ESTABLISHING ADDITIONAL NON-REPRESENTED POSITION TITLES AND CLASS SPECIFICATIONS

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL ADOPT **RESOLUTION 16-09-20-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS; ESTABLISHING POSITION TITLES AND CLASS SPECIFICATIONS FOR ADDITION NON-REPRESENTED CLASSIFICATIONS; AND AMENDING SALARY RANGES FROM JULY 1, 2012 – JUNE 21, 2016.

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 Joseph L. Muller and Mayor Pro Tem Richard A. Viczorek
ABSENT: None

11. 2016-2017 DANA POINT YOUTH BOARD APPOINTMENTS

APPOINTED 11 BOARD MEMBERS AND 10 MEMBERS-AT-LARGE TO THE DANA POINT YOUTH BOARD.

12. PRELIMINARY DESIGN ACTIVITIES FOR THE DOHENY VILLAGE CONNECTIVITY ENHANCEMENT STUDY IMPROVEMENTS

Council Member Muller removed this item from the Consent Calendar.

Mayor Tomlinson recused himself due to a potential conflict of interest. Mayor Tomlinson left the Council Chambers at 7:20 p.m.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM VICZOREK, THAT THE CITY COUNCIL ESTABLISH A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT ENTITLED "CAPISTRANO BEACH CONNECTIVITY STUDY

ENHANCEMENTS PROJECT”; AUTHORIZE PRELIMINARY DESIGN SERVICES FOR THE CONNECTIVITY STUDY IMPROVEMENTS BY THE CITY’S AS-NEEDED TRAFFIC ENGINEERING CONSULTANT (LINSCOTT, LAW & GREENSPAN, ENGINEERS); AUTHORIZE THE CITY MANAGER TO EXECUTE A TWO YEAR CONTRACT EXTENSION WITH LINSCOTT, LAW & GREENSPAN, ENGINEERS (LLG) FOR AS-NEEDED TRAFFIC ENGINEERING SERVICES WITH TWO ADDITIONAL FOUR YEAR OPTIONS TO ALLOW THIS WORK TO BE DONE ALONG WITH OTHER ACTIVITIES; AND AUTHORIZED ADDITIONAL SURVEYING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC.

The motion carried by the following vote:

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

13. COAST HIGHWAY CLASS 1 BIKEWAY/PEDESTRIAN WAY PHASE 2 PROJECT FOR THE OCTA BICYCLE CORRIDOR IMPROVEMENT PROGRAM (BCIP) GRANT ACCEPTANCE

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL ACCEPT OCTA’S GRANT AND ESTABLISH A COMPLIMENTARY CAPITAL IMPROVEMENT PROGRAM PROJECT, NAMELY THE COAST HIGHWAY CLASS 1 BIKEWAY/PEDESTRIAN WAY PHASE 2 PROJECT; AUTHORIZE THE FUNDING TRANSFERS TO COVER THE CITY’S REQUIRED MATCHING FUNDS AND OTHER NEEDED SERVICES; AND AUTHORIZE ADDITIONAL SURVEYING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC.

The motion carried by the following vote:

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

Mayor Tomlinson returned to the Council Chambers at 7:37 p.m.

14. AMENDMENT TO THE CITY’S CONFLICT OF INTEREST CODE

Mayor Pro Tem Viczorek removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM VICZOREK, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL ADOPT **RESOLUTION 16-09-20-03** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
AMENDING THE CONFLICT OF INTEREST CODE.*

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
ABSENT: None

15. HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2017

ADOPTED **RESOLUTION 16-09-20-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED
AND ELIGIBLE NON-REPRESENTED CLASSIFICATIONS.*

PUBLIC COMMENTS

Miriam Rupke
Penny Maynard
Jason Calaco
Deanna Slocum
Richard Gardner

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

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 7:56 p.m. and announced that the next Regular Meeting of the City Council will be October 4, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.