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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
OCTOBER 18, 2016**

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**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:**

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 (*Arrived at 5:04 p.m.*)  
Absent: None

**CLOSED SESSION**

City Attorney Munoz indicated that there was a need for Closed Session discussion and stated that there was also a need to add one additional item under Existing Litigation Government Code § 54956.9 (a) City of Dana Point v. Headlands Reserve LLC, Sanford Edward, et al (Orange County Superior Court Case No. 30-2016-00872051).

IT WAS MOVED BY MAYOR JOHN A. TOMLINSON, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, ADD AN ADDITIONAL EXISTING LITIGATION ITEM TO THE CLOSED SESSION DISCUSSION.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member J. Scott Schoeffel

- A. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (4 cases)

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

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;

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; and

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

- C. 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 5:03 p.m. pursuant to Government Code Section 54956 et seq.

**RECESS OF CITY COUNCIL - CALL TO ORDER**

Mayor Tomlinson reconvened the meeting at 6:18 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; Deputy City Manager, Mark Denny; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Matthew Schneider, Planning Manager; Rachel Johnson, Assistant Administrative Analyst; Kelly Reenders, Economic Development Manager; Brian McClure, Deputy Director of Community Services and Parks; Matthew Sinacori, Deputy Director of Public Works and Engineering; Jackie Littler, Executive Assistant; DyAnne Weamire, Senior Administrative Assistant; and Bobbi Ogan, Deputy City Clerk.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz reported that at the commencement of the meeting, the City Council had added a Closed Session item based on correspondence that was received this afternoon in the matter involving the City of Dana Point vs. the Headlands Reserve LLC and Sanford Edward. He stated that the item involved a request that the City go to mediation and reported that the City had gone to mediation on this matter on August 26, 2016 which was not successful. He added that the City Council agreed to return to mediation.

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Muller.

**INVOCATION**

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

**PRESENTATIONS AND PROCLAMATIONS**

Business of the Month - Monarch Beach Resort

Assistant Administrative Analyst Johnson provided a PowerPoint presentation. She reported that the hotel first opened 15 years ago providing a five star coastal experience for people from around the world. She stated that the hotel had undergone a major renovation and also changed their name from the St. Regis to Monarch Beach Resort on June 1st. She added that the hotel has focused on reaching out and participating in the community. She stated that they have a partnership in the ROP program to learn about the hospitality industry and that 16 students had taken part in the program. She added that the hotel is also supporting local arts in the community and that the resort was the first corporate sponsor for the Dana Point Symphony. She stated that they have also become the premier sponsor of the Dana Point Turkey Trot. Mayor Tomlinson presented Ian Pullen, General Manager a Certificate of Recognition for the Monarch Beach Resort being named the Business of the Month for October 2016 and Heather Johnston, CEO of the Dana Point Chamber of Commerce presented a certificate for their recognition.

Employee of the Month - Brandy Boka

Deputy City Manager Denny provided comments on Brandy. Director of Community Development Luna-Reynosa stated that as the City's geologist, Brandy ensures the safety of the public. She added that he is conscientious and detail oriented. She stated that she enjoys working with Brandy and that he provides a bridge between Public Works and Community Development. Mayor Tomlinson presented Brandy with a Certificate of Recognition for being named Employee of the Month for October 2016.

**CONSENT CALENDAR**

Staff removed Item 9 to provide a presentation, members of the Public removed Items 5, 6, and 9, and Mayor Pro Tem Viczorek removed Items 12 and 14 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER, TO ACCEPT THE RECOMMENDATIONS OF ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 5, 6, 9, 12, AND 14.

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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

**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 20, 2016**

APPROVED THE MINUTES.

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

RECEIVED AND FILED.

**4. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**5. CONSIDERATION OF RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF DANA POINT IN THE CSCDA OPEN PACE PROGRAM; AND OTHER MATTERS RELATED THERETO**

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

City Manager Chotkevys provided an introduction and Assistant City Manager Killebrew provided an overview of the item.

Mayor Tomlinson opened the Public Comments

Gary Macrides, Dana Point, stated that they support voluntary incentive based programs, they do not support property assessed clean energy which is PACE financing for a couple of reasons. He added that the qualification for a loan is based on home equity and not the owner's ability to re-pay. He stated that the amount borrowed is structured as a property assessment and a super priority lien which makes it difficult for the owner to refinance or sell the property. He reported

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that the loans are not being sold by financial institutions so they are not held to the same standards as other lending institutions.

Brent Neben, Aliso Viejo (Ygrene Energy Fund), encouraged the City Council to adopt the PACE program.

Lacy Robertson, Irvine (Realtor), stated that she does not support the PACE program as she felt that they practiced predatory lending. She added that she represents families being victimized by the program and asked the Council to not adopt this program until there are better protections put into place to protect the consumer.

Dustin Reilich, San Clemente (Renovate America HERO Program), stated that he supports the PACE program. He added that he hopes that the HERO program could be considered on a future agenda. He stated that owners have the ability to pay off the assessment at the time of sale and felt that this was just an option for the constituents.

Erin McKeon, Huntington Beach (Renovate America) stated that she supports the PACE program and would like to see the HERO program considered also. She added that HERO works on educating the real estate community and that this was only an option for homeowners.

Tony Capitelli, Orange County Association of Realtors (OCAR), stated that they do not support the PACE program. He added that if this was just another option for the residents that there would be other options asking for your permission. He stated that they needed your approval to use your tax levying authority. He reminded the Council that they were complicit in what happens to the residents.

Tony Lin (Reliant Home Solutions) stated that the PACE program will provide options as not everyone has cash or can use credit cards. He added that he supports this program.

Michael McKinney, Yorba Linda (Renew Financial) stated that he disagrees with some of OCAR's comments. He added that state law requires them to be here to operate in the City, not to get your taxing authority and he urged the City Council to support this item.

Mayor Tomlinson closed the Public Comments.

IT WAS MOVED BY MAYOR JOHN A. TOMLINSON, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL MOVE THIS ITEM FORWARD TO THE NEXT MEETING TO ALLOW FOR FURTHER REVIEW.

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The motion carried by the following vote:

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

NOES: Council Member Joseph L. Muller

**6. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE POLICE SERVICES RENOVATION PROJECT 2016**

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

Council Member Schoeffel recused himself from the item due to potential conflict of interest and left the Council Chambers at 7:02 p.m.

City Manager Chotkevys provided an introduction and Director of Disaster Preparedness and Facilities Rose provided an overview of the proposed project.

City Manager Chotkevys felt this was the last piece needed to create a comprehensive civic center that would serve the city well.

Assistant City Manager Killebrew provided a summary of the budget for the project.

Council Member Muller stated that he was concerned with the cost of the project. He questioned the cost to renovate the restrooms. He asked how many body cameras we have.

Lt. Chilton replied that all Deputies are equipped with a patrol mounted video camera and that the department was moving towards obtaining body worn cameras. He added that there would be a need for the capacity to grow because the technology was changing.

Council Member Muller asked what the non-responsive comment meant.

Director Rose replied that a public contract must self-perform a certain percentage of the work on a public works project. He stated that when the review of the bid was done it was found that 85% of his work was going to be subcontracted out.

Council Member Muller asked why they could not subcontract out the work.

Assistant City Manager Killebrew replied that it was a state law.

Mayor Tomlinson asked if the current systems were in danger of being antiquated.

Lt. Chilton replied yes that we need to be prepared to meet the demands of the technology.

Mayor Tomlinson opened the Public Comments.

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Buck Hill, Capistrano Beach, stated that the feeling is that the City is spending too freely and that this item stood out. He added that the cost of Police Services has increased substantially over the last 10 years. He asked if this was the right action.

Mayor Tomlinson closed the Public Comments.

Council Member Olvera stated that there was no reason not to be on top of technology. He felt that the statement that the Council was freely spending money was absurd. He added that the comments made by public were incorrect and that it was frustrating.

Council Member Muller stated that he was okay with the other items as proposed and felt that this will provide 2,000 more hours for the Deputies to be on the street. He added that he had a problem with the cost of the restroom renovation. He stated that there are comments in the community about spending. He asked if the City did have the money saved up to do projects like this.

Assistant City Manager Killebrew replied yes that the City has not taken on any debt financing.

City Manager Chotkevys stated that the Council can make this investment in public safety because the money is there and the community deserves it.

Council Member Muller asked if there was a way to break these restrooms out.

Director Rose replied yes, that there were two separate bid schedules and staff can delete them from the project.

Council Member Muller stated that he would make a motion to move the item without the restrooms.

Mayor Tomlinson felt that safety was important and that he was in favor of the station being here and keeping the edge on technology. He added that the City needs this here and seconded the motion.

Mayor Pro Tem Viczorek stated that there was a need to provide for public safety and felt that this will be money that will be well spent and a good thing for the City.

Council Member Olvera asked where the money was coming from.

Assistant City Manager replied that it is coming from a general fund carryover, money that was budgeted this year for Administrative Services improvements which will be deferred, and then the unassigned fund balance.

Council Member Olvera stated that this cannot be construed as deficit spending.

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Assistant City Manager Killebrew replied that deficit spending is where you are not be able to pay your bills.

City Manager Chotkevys clarified that the reason we do this is because we do not have in-house police or fire department. He stated that the City receives all of the benefits and more without the administrative overhead.

IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY MAYOR JOHN A. TOMLINSON, THAT THE CITY COUNCIL APPROVE THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE POLICE SERVICES RENOVATION PROJECT 2016; WITH THE REMOVAL OF THE CITY HALL RESTROOM RENOVATION; APPROVE AWARD OF A CONTRACT TO OPTIMA RPM, INC. FOR THE PROJECT, PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, AND OTHER PROJECT COSTS; AND DEEM THE BID RECEIVED FROM CONAN CONSTRUCTION NON-RESPONSIVE DUE TO FAILURE TO BID THE PROJECT AS SELF-PERFORMING AT LEAST 50 PERCENT OF THE WORK.

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: None

ABSENT: Council Member J. Scott Schoeffel

Council Member Schoeffel returned to the Council Chambers at 7:42 p.m.

**7. DOHENY VILLAGE PLAN UPDATE**

RECEIVED AND FILED THIS REPORT.

**8. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JULY-SEPTEMBER 2016**

RECEIVED AND FILED THIS REPORT.

**9. AWARD CONTRACT TO GRIFFIN STRUCTURES, INC. TO CONDUCT A PRELIMINARY NEEDS ASSESSMENT FOR SURFING HERITAGE AND CULTURAL CENTER**

A member of staff and a member of the public Staff removed this item from the Consent Calendar.



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City Manager Chotkevys introduced the item and Director of Community Development Department Luna-Reynosa provided a PowerPoint presentation.

Council Member Muller stated that this would be big deal for our City. He applauded staff for bringing this forward and felt that it was important for the community to embrace this.

Council Member Olvera asked how this is different from 10 years ago.

City Manager Chotkevys replied that the City attempted to build a world-class library and we were unsuccessful. He stated that the City had a design created by 30th Street Architects and we were approached with the idea of building a surfing heritage museum instead. He added that it was determined that the area was not compatible for the use as Sea Terrace Park was a heavily used park and on reflection it was a good decision to not move forward. He stated that the thought with this was to contract with a specialist to see if there were any opportunities here in the City.

Mayor Tomlinson opened the Public Comments.

Heather Johnston, Chamber of Commerce, stated that to bring something forward like this would be something Dana Point could really be proud of and that they support the project.

Buck Hill, Capistrano Beach, questioned the statement of work that included determining the square footage of the building and whether a study was really needed to identify the space size.

Mayor Tomlinson closed the Public Comments.

Council Member Olvera stated that he supports this proposal and felt that this was where the museum needs to be and made a motion to approve the item.

Council Member Schoeffel stated that this was the right project for Dana Point and felt that it will turn out to be a tremendous tourist asset. He complimented staff on their good judgement for hiring someone with these qualifications.

IT WAS MOVED BY COUNCIL MEMBER CARLOS N. OLVERA, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GRIFFIN STRUCTURES, INC. TO CONDUCT A PRELIMINARY NEEDS ASSESSMENT FOR A SURFING HERITAGE AND CULTURE CENTER.

The motion carried by the following vote:

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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. REQUEST TO THE CALIFORNIA COASTAL COMMISSION TO WITHDRAW LOCAL COASTAL PROGRAM AMENDMENT, LCPA15-0001 TO MODIFY PARKING STANDARDS FOR THE CITY'S TOWN CENTER PLAN AREA**

DIRECTED STAFF TO WITHDRAW LCPA15-0001 FROM FURTHER REVIEW AND CONSIDERATION BY THE CALIFORNIA COASTAL COMMISSION.

**11. APPROVAL OF A CONTRACT AMENDMENT FOR ADDITIONAL AS-NEEDED TRAFFIC MANAGEMENT SERVICES WITH FULL TRAFFIC MAINTENANCE, INC.**

AUTHORIZED THE CITY MANAGER TO APPROVE A CONTRACT AMENDMENT TO THE AGREEMENT WITH FULL TRAFFIC MAINTENANCE, INC. FOR AS-NEEDED TRAFFIC MANAGEMENT SERVICES AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT AMENDMENT, AND SUBSEQUENT EXTENSIONS IF DESIRED.

**12. APPROVAL FOR CITY TO PARTICIPATE IN THE CONCERNED COASTAL COMMUNITIES COALITION**

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

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Viczorek asked if the City was being ineffective not being a part of this.

City Manager Chotkevys replied no, but a number of our neighboring cities were joining together and it was always good to be able to have a voice in discussions.

Mayor Pro Tem Viczorek asked if there had been any communications about the structure of the organization.

City Manager Chotkevys replied that the organization was evolving. He felt that there will most likely be a nominal cost per year for dues. He suggested that someone from the Council attend the meetings until they tell you that the City needs to pay and then return back to Council for approval.

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Mayor Pro Tem stated that he was not really sure what the mission of this organization was going to be yet. He agreed that the Council needed to send a member to the meeting to see if this is something we want to join or not. He suggested putting this decision off and bring it back if we do want to join. He made a motion to table and Council Member Schoeffel seconded the motion.

Council Member Schoeffel withdrew his second so discussion could continue. He stated that the Mayor Pro Tem was correct in wanting to know what this organization was about without a commitment to join. He added that what he feels has value is the California coastal cities in Orange and San Diego County have different issues to deal with. He stated that some of the issues are legislative in nature, some are best practices on how to approach certain topics. He added that he did attend last month's meeting and it was interesting to him to hear the different ideas and approaches to problems. He encouraged any Council Member to attend the meeting to see for themselves.

Council Member Olvera stated that the benefit of this remains to be seen but felt it would be a good start.

Council Member Muller asked why not use the League of Cities for legislative issues, create a caucus, and use the legislative weight of the League. He stated that monthly meetings could be held to discuss local issues. He felt that the Council needed to explore this further and see what this organization is trying to accomplish.

IT WAS MOVED BY MAYOR PRO TEM RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, THAT THE CITY COUNCIL TABLE THIS ITEM.

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

**13. OPPOSE CALIFORNIA PROPOSITION 57**

**ADOPT RESOLUTION 16-10-18-01 ENTITLED:**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA OPPOSING PROPOSITION 57, THE CALIFORNIA PAROLE FOR NON-VIOLENT CRIMINALS AND JUVENILE COURT TRIAL REQUIREMENTS INITIATIVE; and*

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DIRECTED STAFF TO FORWARD THE RESOLUTION TO THE OFFICE OF REPRESENTATIVE WILLIAM BROUGH.

**14. PROFESSIONAL SERVICES AGREEMENT FOR COMMUNICATIONS CONSULTING SERVICES**

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

City Manager Chotkevys provided a staff report.

Council Member Schoeffel asked what an employed public information officer cost a city per year.

City Manager Chotkevys replied in excess of 100k per year.

Council Member Schoeffel asked how many cities have Public Information Officers the size of Dana Point.

City Manager Chotkevys replied that there are not many the size of Dana Point. He stated that they typically deal with crisis management teams.

Mayor Pro Tem Viczorek questioned language in the contract and asked what exactly was the City contracting for.

Assistant City Manager Killebrew replied that the project is paid for with a retainer which is a monthly amount that will pay for the scope of services available to us. He added that it was standard contract language.

Mayor Pro Tem Viczorek asked if there was a particular issue they were being hired for.

Assistant City Manager Killebrew replied that they are on call.

Mayor Pro Tem Viczorek asked how we found this particular firm.

City Manager Chotkevys replied that staff learned of them by word of mouth and that they had worked for other large agencies.

Mayor Pro Tem Viczorek asked if they would earn their retainer or do they only charge for the work they do out of that retainer.

City Manager Chotkevys replied that they do have work they are handling for us right now. He stated that the \$6,000 covers when we have to utilize their service.

Assistant City Manager clarified that they were covering their efforts out of the retainer.

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Council Member Schoeffel stated that if the City was unhappy with the services performed that there was a clause that the agreement could be terminated on 30 days written notice.

Council Member Olvera stated that this was the type of person we need to get the word out to the public quickly.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR JOHN A. TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BARRIOS & ASSOCIATES, LLC., DBA COMMUNICATIONSLAB.

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

**15. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2017**

**ADOPTED RESOLUTION 16-10-18-02 ENTITLED:**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2017 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2017 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and*

SET THE DATE FOR THE PUBLIC HEARING FOR RENEWAL OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT FOR NOVEMBER 15, 2016.

**PUBLIC COMMENTS**

Bob Fowler, VFW, introduced members of the VFW Post. Wayne Yost, Senior Vice Commander of Post 9934 stated that this was the only post in the country that has been recognized 8 of the 9 past years for achieving All American status. He added that the mission of the Post has expanded over the past years. Mr. Yost presented Lt. Chilton with a Certificate of Appreciation for his and the department's service to the community.

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Gerald Derloshon, Dana Point, stated that he was concerned with drones. He asked for the creation of an Ordinance prohibiting the flying of drones in residential neighborhoods.

City Manager Chotkevys replied that drones and privacy were something that everyone was concerned about. He reported that each city was working with the Sheriff's Department to write ordinances to do exactly what you want to do. He added that this issue was also being discussed at the county level and that the Ordinance needs to be created in such a way that it could be enforced in court.

Penny Maynard, Dana Point, spoke regarding the need for Council districts as it may be the solution to the residents' concerns about communication with City Hall. She stated that the Council Member could hold regular meetings in their district and provide a specific individual to contact for concerns.

#### **PUBLIC HEARINGS**

There were no Public Hearings.

#### **UNFINISHED BUSINESS**

There was no Unfinished Business.

#### **NEW BUSINESS**

There was no New Business.

#### **PUBLIC COMMENTS**

There were no additional Public Comments received.

#### **STAFF REPORTS**

City Manager Chotkevys spoke of the BBQ Championship from a couple of weekends ago and stated that it was an example of the great City team that we have here. He reported that Fran turns 97 in two days and was still going strong.

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

Council Member Schoeffel reported that the third Art Walk on Del Prado was a great event and thanked staff for their efforts. He also thanked Jack Loconsolo and Max Fisher for participating in the event.

Council Member Olvera stated that he sits on the Orange County Mosquito and Vector Control District and that they were notified regarding a death in La Habra from West Nile virus. He added that he would turn in his list of meetings attended to the City Clerk.

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Council Member Muller stated that he had attended the Monarch Beach Resort hospitality academy which was a joint effort between Capistrano Unified School District, the City of Dana Point and the resort to set up a class for high school students interested in the hospitality industry. He thanked staff for their hard work on that academy.

Mayor Tomlinson 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 8:46 p.m. and announced that the next Regular Meeting of the City Council will be November 1, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

  
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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF NOVEMBER 1, 2016

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Meetings attended since September 20, 2016:

**Mayor John A. Tomlinson**

September 29 -	Saddleback College Sciences Building Grand Opening
October 1 -	Fish for Life Opening
October 5-7 -	League of California Cities Annual Conference and Expo

**Council Member Carlos N. Olvera**

October 5-7 -	League of Cities
October 17 -	OC Vector Control