

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 1, 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 5:00 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

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), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Tomlinson reconvened the meeting at 6:23 p.m. All Council Members were present.

STAFF PRESENT: Patrick Munoz, City Attorney; Mike Killebrew, Acting City Manager; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Mark Denny, Deputy City Manager; Matthew Schneider, Planning Manager; Brian McClure, Deputy Director of Community Services and Parks; Mark Sutton, Building Official; Eric Haghani, Senior Structural Engineer; Matthew Sinacori, Deputy Director of Public Works and Engineering; Kelly Reenders, Economic Development Manager and Gail Enriquez, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

There was no Closed Session announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

There was no Invocation provided.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations

UNFINISHED BUSINESS

1. ARTS AND CULTURE COMMISSION INTERVIEWS

BY MAJORITY VOTE, ANTHONY SMALL WAS APPOINTED TO THE ARTS AND CULTURE COMMISSION.

CONSENT CALENDAR

A member of the public removed Item 8 and a member of staff removed Item 9.

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 AND 9.

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

2. 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.

3. SPECIAL MEETING MINUTES, OCTOBER 12, 2016

APPROVED THE MINUTES.

4. REGULAR MEETING MINUTES, OCTOBER 18, 2016

APPROVED THE MINUTES.

5. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 26, 2016

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. CITY TREASURER'S REPORT, SEPTEMBER 2016

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

IT WAS MOVED BY MAYOR TOMLINSON, SECONDED BY COUNCIL MEMBER OLVERA, TO RECEIVE AND FILE THE CITY TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER 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

9. ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 17146 AT 34202 DEL OBISPO (DEL OBISPO AND PCH) AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER THAT THE CITY COUNCIL ADOPT **RESOLUTION 16-11-01-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 17146 AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

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

Craig Williamson
Ladan Williamson
Thomas Volkmann
Robert Williams

PUBLIC HEARINGS

10. ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2016 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA ENERGY CODE, 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2016 EDITION OF THE CALIFORNIA

EXISTING BUILDING CODE AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTION

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING, INTRODUCE AND HOLD FOR A FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2016 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA ENERGY CODE, 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS; and

The changes and modifications to the 2016 Editions of the California Building, Residential, Plumbing, Mechanical, Electrical, Green Building Standards and Fire Codes are reasonably necessary due to local conditions in Dana Point. Other amendments are of an administrative or procedural nature and concern themselves with subjects that are not covered by the Code or are reasonably necessary to safeguard life and property within the City of Dana Point. Adoption of these codes as amended will implement the latest codes in the City and complies with current State law; and

ADOPT RESOLUTION 16-11-01-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; and

Instruct the Building Official to file the Resolution with the California Building Standards Commission and a copy to the California Department of Housing and Community Development.

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 (CONTINUED)

11. CONSIDERATION OF RESOLUTION OF THE CITY OF DANA POINT 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

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL NOT CONSIDER ADOPTING A RESOLUTION ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF DANA POINT IN THE CSCDA OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF DANA POINT; AND AUTHORIZING RELATED ACTIONS.

The motion carried by the following vote:

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

NEW BUSINESS

12. DANA POINT GRAND PRIX CYCLING EVENT STATUS

DIRECTED ACTING CITY MANAGER TO WORK WITH STAFF TO CONTINUE TO PARTNER WITH DANA POINT COMMUNITY CYCLING FOUNDATION INC. FOR THE 2017 DANA POINT GRAND PRIX SPORT AND FAMILY FESTIVAL AND TO GET A TIMELINE WHEN THE FOUNDATION COULD TAKE OVER THE EVENT.

13. CITY COUNCIL POLICY NO. 210 – THE SECOND CITY COUNCIL MEETING IN DECEMBER

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL AMEND POLICY 210.

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

14. AUTHORIZE THE CITY MANAGER TO REQUEST THAT THE CALIFORNIA COASTAL COMMISSION CONTINUE ITEM 15.A – CITY OF DANA POINT LCP AMENDMENT NO. 1-44 (LCP 5-DPT-14-0105-1) (SHORT-TERM RENTALS)

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL AUTHORIZE THE (ACTING) CITY MANAGER TO REQUEST THAT THE CALIFORNIA COASTAL COMMISSION CONTINUE ITEM 15.A – CITY OF DANA POINT LCP AMENDMENT NO. 1-14 (LCP 5-DPT-14-0105-1) (SHORT TERM RENTALS), SCHEDULE FOR NOVEMBER 4, 2016, UNTIL AFTER THE ORANGE COUNTY REGISTRAR OF VOTERS VERFIES SIGNATURES TO DETERMINE QUALIFICATION FOR A REFERENDUM.

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 9:41 p.m. and announced that the next Regular Meeting of the City Council will be November 15, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.