
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 7, 2013**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Weinberg at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor Steven H. Weinberg
Mayor Pro Tem Lisa A. Bartlett (*via Teleconference in Washington, DC*)
Council Member William P. Brough
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 - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case) Name of Case: Holistic Health - Orange County Superior Court Case No. 30-2010-00352106-CU-MC-CJC
- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6 Agency Designated Representatives: City Manager Unrepresented and Represented Employees: All positions in City

Mayor Weinberg 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 Weinberg reconvened the meeting at 6:01 p.m. All Council Members were present.

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STAFF PRESENT

Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Lynn Koehmstedt, Police Services; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; Matthew Sinacori, City Engineer; Mark Sutton, Building Official; John Tilton, City Architect; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no report.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scouts, James Chotkevys and Dylan Page.

INVOCATION

The Invocation was provided by Associate Pastor Sabrina Vasta from Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month - Bonjour Café & Bistro

Senior Management Analyst Shelton provided a PowerPoint presentation regarding Bonjour Cafe & Bistro. She reported that Pascal Le Vettet opened Bonjour Cafe in March 1992. She stated that the menu features over 75 traditional French and French American items and that some of the favorites are crepes, quiches, and French onion soup. Mayor Weinberg presented a Certificate of Recognition in honor of Bonjour Cafe & Bistro being selected the Business of the Month, May 2013. Nick Ljubic from the Chamber of Commerce presented Pascal with a Certificate and a complimentary, one-year membership to the Chamber of Commerce.

Employee of the Month - DyAnne Weamire

Assistant City Manager Killebrew stated that DyAnne began working for the City in 2007 and provided a background of DyAnne's achievements. Mayor Weinberg presented DyAnne with a Certificate of Recognition in honor of being named Employee of the Month for May, 2013.

Boys and Girls Clubs of Capistrano Valley Youth of the Year

James Littlejohn from the Boys and Girls Club introduced Yoshee Rojas, Youth of the Year for the State of California. Yoshee provided details on his background and how

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the Boys and Girls Clubs had impacted his life. Mayor Weinberg presented Yoshee with a Certificate of Recognition for his honor of being selected Youth of the Year and for being selected Youth of the Year for the State of California.

Presentation to Sea Shelton

Mayor Weinberg presented Sea with a Certificate of Recognition for her service to the City.

CONSENT CALENDAR

Council Member Olvera removed Item 10 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, ACCEPT ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

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, APRIL 16, 2013

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 25, 2013

RECEIVED AND FILED.

4. INVESTMENT REVIEW COMMITTEE MEETING MINUTES, JUNE 19, 2009

RECEIVED AND FILED.

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**5. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES,
JANUARY 22, 2013**

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. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION
FOR THE CONSTRUCTION OF THE PCH LANDSCAPED MEDIANS PHASE
III PROJECT**

ADOPTED RESOLUTION 13-05-07-01 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,
CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE
CONSTRUCTION OF THE PROJECT ENTITLED "PACIFIC COAST HIGHWAY
LANDSCAPED MEDIAN PHASE III PROJECT".*

**9. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION
FOR THE CONSTRUCTION OF THE TOWN CENTER SOUTH GATEWAY
PROJECT**

ADOPTED RESOLUTION 13-05-07-02 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,
CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE
CONSTRUCTION OF THE PROJECT ENTITLED "TOWN CENTER SOUTH
GATEWAY PROJECT".*

**10. ROMA DESIGN GROUP CONTRACT AMENDMENT AND EXTENSION FOR
CONSULTANT SERVICES RELATED TO DEVELOPMENT OF THE DOHENY
VILLAGE PLAN**

Council Member Olvera removed this item from the Consent Calendar.

Council Member Olvera felt that the newspaper has gotten ahead of the Council on this item. He stated that he would like to table this item for one month so staff could provide Council with details about the project.

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Council Member Brough stated that he would like to approve the contract and utilize the grant money. He added that he has concerns and suggested that staff return to Council with a report in one month.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT AND EXTENSION TO THE CONTRACT WITH ROMA DESIGN GROUP (ROMA) FOR CONSULTANT SERVICES RELATED TO DEVELOPMENT OF THE DOHENY VILLAGE PLAN AND DIRECT STAFF TO RETURN TO COUNCIL WITH A STATUS REPORT IN ONE MONTH.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

NOES: None

PUBLIC COMMENTS

Pam Tappan, Capistrano Beach, spoke regarding the comments made by staff at the last meeting regarding the homeless.

Veronica Scala, Capistrano Beach, thanked the City Council for their support of Tavern on the Coast.

Rick Erkeneff, Dana Point, spoke regarding an incident that had occurred in Town Center with a homeless person who was combative when asked to discontinue urinating in the street. He encouraged Council, staff and Police Services to come up with a plan that addresses the issue Dana Point has that will allow the Police to handle in the influx of people who choose our streets to live on.

Harold Kaufman, Dana Point, thanked the City Council for putting on a great bicycle race this year. He felt that the addition of the street faire was great and that everything worked well, and was more family-friendly.

PUBLIC HEARINGS

There were no Public Hearing items.

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UNFINISHED BUSINESS

11. PROGRESS REPORT AND VALUE ENGINEERING PROPOSAL FOR THE PCH/DEL PRADO STREET IMPROVEMENT PROJECT IN TOWN CENTER

City Manager Chotkevys provided an introduction of the item and Director of Public Works and Engineering Fowler provided a PowerPoint presentation.

Mayor Weinberg opened the Public Comments.

Dana Yarger, Dana Point, stated that he does not support the proposed plan as he was told there would be a wider curb installed. He felt that the plan was not as pedestrian-friendly where the sidewalk cafes are located.

Bob Theel, Dana Point, thanked the City Council for moving forward with the Town Center plan. He stated that he supports the alternative design as it saves money but does not reduce the quality.

Harold Kaufman, Dana Point, thanked the City Council for the progress that was being made on Town Center. He felt that the fourth phase of Del Prado was the most important to the plan.

Mayor Weinberg closed the Public Comments.

Mayor Pro Tem Bartlett stated that she supports the value added engineered design that is proposed. She asked if the sidewalks in both plans were to be eight feet.

Director Fowler replied essentially yes.

Mayor Pro Tem Bartlett asked for a comment regarding Pacific Coast Highway being built before Del Prado or vice versa.

City Manager Chotkevys replied that in order to create value, Pacific Coast Highway would have to be completed to establish two-way traffic and then return to Del Prado with renewed interest from the community.

Director Fowler clarified that the City has to get the traffic established on Pacific Coast Highway in order to keep a single lane of traffic on Del Prado; otherwise the businesses on Del Prado would be shut down during construction if the plan was changed. He stated that the difference is that Pacific Coast Highway is being widened and but Del Prado will be narrowed.

Council Member Brough asked from an engineering aspect would it not be prudent to put Del Prado in as part of the entire project absent funding in the construction schedule.

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City Manager Chotkevys replied that a placeholder can be placed in the budget, but he does not want to schedule the construction until there is budget to complete the job.

Director Fowler clarified that staff will have an idea of what the construction costs are for the first phase. He stated that staff could put as a Priority 2 Project on the budget list for Del Prado.

City Manager Chotkevys stated that it is staff's intent in 2015 to commence and complete the project on Del Prado but he does not want to commit staff or Council to a date.

Council Member Olvera stated that he was excited about the value added engineering plan. He added that he was concerned about the same design group working on both Doheny Village and Town Center.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, RECEIVE AND FILE SUBJECT PROGRESS REPORT; DIRECT STAFF TO PROCEED WITH STAFF'S RECOMMENDED VALUE ALTERNATIVE DESIGN PROPOSAL; AND; APPROVE A FIRST AMENDMENT TO AGREEMENT WITH KEETON KREITZER CONSULTING FOR ADDITIONAL CEQA/CDP ANALYSIS.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

NOES: None

NEW BUSINESS

12. AUTHORIZATION TO ISSUE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2006-1 (CFD 2006-1), 2013 SPECIAL TAX BONDS (HEADLANDS)

City Manager Chotkevys provided a staff report and Assistant City Manager Killebrew provided an overview of the item.

Council Member Olvera thanked staff for being on top of this issue since the City is not in the bond business.

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IT WAS MOVED BY COUNCIL MEMBER CARLOS N. OLVERA, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, ADOPT **RESOLUTION 13-05-07-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT AUTHORIZING THE ISSUANCE OF ITS 2013 SPECIAL TAX BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000) AND APPROVING CERTAIN DOCUMENTS AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

The motion carried by the following vote:

AYES: Council Member Carlos N. Olvera, Council Member J. Scott Schoeffel, Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

NOES: None

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys reported that Donna Andrews passed away due to a heart ailment. He stated that she was a Coastal Commission advocate for the City. He thanked Sea Shelton for her contributions to the City and congratulated her on her new position.

City Attorney Munoz reported that the Supreme Court had entered its ruling on medical marijuana. He stated that they ruled that local agencies can use their zoning powers to ban dispensaries.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel stated that it was a great bike race on Sunday. He reported that he had attended three Transportation Corridor Agency meetings, one CASA meeting, and the Wag-A-Thon. He thanked Sea Shelton for her efforts here at the City. He reminded everyone that on May 18 the Mile for Maddie was taking place. He announced that the Doheny Blues Festival was coming up on May 18 and May 19. He stated that the Dana Point Symphony's final performance will be held on May 31 with Berenika Schmitz performing a piano concerto.

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Council Member Brough stated that he had turned in his list of meetings attended to the City Clerk. He wished Sea best of luck at Vector Control. He stated that he and his family had a wonderful time at the bike race.

Council Member Olvera reported that he had attended the following:

April 18 - Dana Point Chamber of Commerce Mixer
April 19 - Ribbon Cutting for Magical Shears and Tavern on the Coast
April 22 - State of the City
April 23 - VIP presentation by the 5th Marines
May 1-3 - Steering Committee for the California Preservation Foundation
May 2 - Paul's TV Ribbon Cutting
May 5 - Dana Point Grand Prix

Mayor Pro Tem Bartlett stated that she had turned in her list of meetings attended to the City Clerk. She thanked Sea Shelton for her service. She reported that she had attended the following:

Several meetings for the Association of California Cities, Orange County and Transportation Corridor Agencies and Southern California Association of Governments
April 19 - Ribbon Cutting ceremonies for Magic Shears and Tavern on the Coast
April 22 - Dana Point State of the City Address
April 23 - Dana Point 5th Marines Support Group reception
April 25 - Presented awards at the Dana Point Senior Center to the Senior Center Volunteers
May 1-3 - Southern California Association of Governments Regional Conference in Palm Desert
May 5 - Dana Point Grand Prix of Cycling

She announced the following upcoming events:

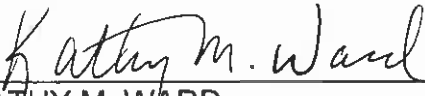
May 16 - Lantern Bay Realty 40th Anniversary celebration
May 27 - VFW Post 9934 Memorial Day event at Pines Park

Mayor Weinberg reported that he had turned in his list of meetings attended to the City Clerk. He stated that this was the 7th year for the bike race and thanked the staff for their hard work and thanked the residents for allowing the Grand Prix to take over their neighborhood. He added that the number of spectators had doubled this year and that this was the largest kids' race of the 7 years.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:37 p.m. in the memory of Spc. Brandon J. Prescott who was recently killed in action in Afghanistan and announced that the next Regular Meeting of the City Council will be May 21, 2013, 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 MAY 21, 2013

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Meetings attended since April 16, 2013:

Mayor Steven Weinberg

April 17	Ad Hoc Water Sewer Committee Meeting
April 18	OC Vector Control Budget and Finance Committee OC Vector Control Board of Directors
April 19	Ribbon Cutting, Magical Shears Ribbon Cutting, Tavern on the Coast
April 22	Dana Point State of the City
April 23	PCH/Town Center overview meeting Ocean Quality Water Subcommittee
April 25	OCFA Board of Directors
May 1	Ad Hoc Water Sewer Committee Meeting
May 3	Ribbon Cutting, Paul's TV
May 5	Dana Point Grand Prix

Mayor Pro Tem Bartlett

Attended several meetings for the Association of California Cities, Orange County and Transportation Corridor Agencies and Southern California Association of Governments

April 19	Ribbon Cutting ceremonies for Magic Shears and Tavern on the Coast
April 22	Dana Point State of the City Address
April 23	Dana Point 5 th Marines Support Group reception
April 25	Presented awards at the Dana Point Senior Center to the Senior Center Volunteers
May 1-3	SCAG Regional Conference
May 5	Dana Point Grand Prix of Cycling

Council Member Brough

April 17	Water Sewer Subcommittee meeting regarding Town Center project
April 18	Dana Point Chamber Mixer, Surfing Cowboy
April 19	Chamber Ribbon Cutting, Magical Shears
April 19	Chamber Ribbon Cutting, Tavern on the Coast
April 22	Dana Point Chamber State of the City, Marriott
April 23	5 th Marines Support Group Companies for the Courageous
May 1	Water Sewer Subcommittee meeting regarding Town Center project
May 3	Chamber Ribbon Cutting, Paul's TV