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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
OCTOBER 15, 2013**

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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 Weinberg at 5:01 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  
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), (2 cases)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 Location: 26315 and 26351 Via Canon Agency Negotiator: Douglas C. Chotkevys, Mike Killebrew, Ursula Luna-Reynosa Negotiating Parties: City of Dana Point and Brandywine Homes; Integral Communities; and Stonefield Development, and Lighthouse Charitable Foundation Under Negotiation: Price and terms of a possible agreement relating to property Mayor Weinberg recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et seq.

Mayor Weinberg 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 Weinberg reconvened the meeting at 6:10 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of

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Disaster Preparedness; Lt. Lynn Koehmstedt; 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; John Tilton, City Architect; Mark Sutton, Building Official; 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 announcement.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Brough.

**INVOCATION**

The Invocation was provided by Reverend Brendan Manson of St. Edward the Confessor Catholic Church.

**PRESENTATIONS AND PROCLAMATIONS**

October Business of the Month - Gen Kai

Director of Community Development Luna-Reynosa provided a PowerPoint presentation. She reported that Gen Kai had opened in Dana Point in 1983 and that they support local high school sports programs and Mission Hospital. Mayor Weinberg presented a Certificate of Recognition to restaurant manager, Irene Lee for Gen Kai being selected the Business of the Month for October 2013. Heather Johnston, CEO of the Dana Point Chamber of Commerce presented Ms. Lee with a one year free membership with the Chamber.

October Employee of the Month - Gail Roseen

City Clerk Ward provided an introduction of Gail Roseen. Mayor Weinberg presented Gail with a Certificate of Recognition for being selected Employee of the Month for October 2013.

**CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO ACCEPT THE RECOMMENDATIONS FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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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, OCTOBER 1, 2013**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING ACTIONS, SEPTEMBER 23, 2013**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**5. CITY TREASURER'S REPORT, SEPTEMBER 2013**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER, 2013.

**6. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**7. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JULY - SEPTEMBER 2013**

RECEIVED AND FILED THE QUARTERLY REPORT.

**8. AWARD OF CONTRACT FOR PLANNING STAFF CONSULTING SERVICES**

APPROVED AN AMENDMENT (THE "FIRST AMENDMENT") TO THE AGREEMENT FOR CONTRACTOR SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND THE PLANNING CENTER DC&E (THE "CONTRACT")

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AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT.

**9. FISCAL YEAR 2013-14 PROPOSED BUDGET ADJUSTMENTS**

AMENDED THE FY 2013-14 ("FY14") GENERAL FUND AND CAPITAL IMPROVEMENTS FUND BUDGETS BY AUTHORIZING THE CARRY-OVER AND RE-APPROPRIATION OF ENCUMBERED AND UNENCUMBERED FROM FY13 TO FY14.

**PUBLIC COMMENTS**

Barbara Johannes, Dana Point, thanked the City for the support of the Dana Point Historical Society's home tour. She stated that they had 85 volunteers available to welcome over 300 guests and that they had exceeded their goal by 40%. She reported that the Historical Society's museum was open on Tuesdays, Thursdays, and Saturdays as well as by appointment.

**PUBLIC HEARINGS**

- 10. ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION OF THE CALIFORNIA PLUMBING CODE, 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2013 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA ENERGY CODE, 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.**

City Manager Chotkevys provided an introduction of the item and Building Official Sutton provided a staff report.

There being no requests to speak on this item, Mayor Weinberg opened and closed the Public Hearing.

Council Member Schoeffel stated that he would move the item and congratulated the building staff and everyone related to the three year process to help everyone sleep better at night.

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Council Member Brough asked if the City had any choice in adopting these changes or were they a State mandate.

Building Official Sutton replied that they were a State mandate.

Council Member Brough stated that he supports these changes and that he agreed with the safety issues but felt that some of the energy requirements they have added were onerous to the individual homeowner.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, CONDUCT A PUBLIC HEARING AND INTRODUCE A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.14, 8.16, 8.20, 8.24, 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 2013 EDITION OF THE CALIFORNIA BUILDING CODE, 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION OF THE CALIFORNIA PLUMBING CODE, 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2013 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA ENERGY CODE, 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS; AND

**ADOPT RESOLUTION 13-10-15-01 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, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE 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 RESOLUTINO IWTH THE CALIFORNIA BUILDING STANDARDS COMMISSION AND COPY TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

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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

**UNFINISHED BUSINESS**

There were no Unfinished Business items.

**NEW BUSINESS**

There were no New Business items.

**PUBLIC COMMENTS**

There were no additional Public Comments received.

**STAFF REPORTS**

There were no Staff Reports.

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

Council Member Olvera reported that he had attended the following:

October 4-5 Dana Point BBQ Championship  
October 4 Nordhaven Ribbon Cutting  
October 6 Docent for the Dana Point Historical Society home tour  
October 7 Lantern Bay shopping center Ribbon Cutting  
October 10 Library Board meeting

He announced that the Orange County Grand Jury was currently recruiting. He felt that it was a rewarding volunteer opportunity. He said for more information to go to [ocgrandjury.org](http://ocgrandjury.org) for more information.

Council Member Schoeffel reported that the Relay For Life begins at 10:00 a.m. on this Saturday and ends at 10:00 a.m. on Sunday. He encouraged everyone to support this event.

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Council Member Brough reported that he had attended the following:

October 4    Nordhaven Ribbon Cutting  
October 4    BBQ Championship Welcome Ceremony  
October 6    Docent for the Dana Point Historical Society Home Tour

He announced that the American Legion will now be serving four cities; Laguna Hills, Laguna Niguel, Aliso Viejo and Dana Point. He stated that their home office will be at the Adventura Sailing Center. The Ribbon Cutting for their opening is scheduled for October 21.

Mayor Pro Tem Bartlett reported that she had attended the following:

Several Transportation Corridor Agency meetings and one Southern California Association of Governments meeting

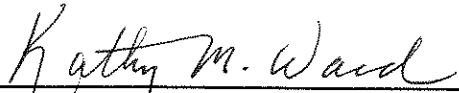
October 4    Nordhaven World Headquarters grand opening  
October 5    Dana Point Annual BBQ Championship and presented 72 winners with awards  
October 6    Docent for the Dana Point Historical Society Home Tour

She reminded everyone that the Elephant Parade will be here through November 17.

Mayor Weinberg reported that he had turned in his list of meetings attended to the City Clerk. He stated that the Fish For Life event was this Saturday. He encouraged people to go down to the docks by Dana Wharf Sportfishing at 8:30 a.m. to see the kids off.

#### **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 6:46 p.m. and announced that the next Regular Meeting of the City Council will be held on November 5, 2013, 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 5, 2013

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Meetings attended since October 1, 2013:

**Mayor Weinberg**

October 3	DP Employee Recognition
October 7	Ribbon Cutting for Lantern Bay Village

**Mayor Pro Tem Bartlett**

October 11	Ocean Institute event at Aliso Creek Resort
October 12	Irvine Public School Foundation event at Kia Motors