

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
DECEMBER 3, 2013
5:00 P.M.**

ACTION AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 13-04

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:

Steven H. Weinberg, Mayor
Lisa A. Bartlett, Mayor Pro Tem
William P. Brough, 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 (d)(1) (1 case)
- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

- C. 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.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:00 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 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 there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Olvera.

INVOCATION

The Invocation was provided by Associate Pastor Dr. Tandy Sullivan from South Shores Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Jimmy's Famous American Tavern
Employee of the Month – Jackie Littler

CONSENT CALENDAR

Council Member Brough removed Item #12, Staff removed Item #14, and a member of the public removed Item #15 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 12, 14, AND 15.

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

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, NOVEMBER 5, 2013

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 28, 2013

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 18, 2013

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, OCTOBER 17, 2013

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, OCTOBER 2013

RECEIVED AND FILED THE CITY TREASURER REPORT FOR THE MONTH OF OCTOBER, 2013.

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. SOLID WASTE FRANCHISE AGREEMENT SECOND AMENDMENT TO CONSIDER ADDING ON-CALL RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE PICKUP SERVICE

ADOPTED **RESOLUTION 13-12-03-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE AGREEMENTS BETWEEN THE CITY OF

DANA POINT AND CR&R INCORPORATED FOR SOLID WASTE HANDLING SERVICES AND FOR COLLECTION AND HANDLING OF TEMPORARY WASTE; and

AUTHORIZED THE CITY MANAGER TO EXECUTE THE PROPOSED CONTRACT AMENDMENT (SECOND AMENDMENT) TO THE CITY OF DANA POINT'S (CITY) SOLID WASTE FRANCHISE AGREEMENTS (AGREEMENTS) WITH CR&R, INC. (CR&R) TO PROVIDE: (1) ON-CALL HOUSEHOLD HAZARDOUS WASTE (HHW) PICK UP AND DISPOSAL SERVICE, AND (2) ADDITIONAL CART RESIDENTIAL REPLACEMENT ADVERTISEMENT AS AN ADDITIONAL LEVEL OF SERVICES TO BENEFIT THE RESIDENTS OF THE CITY.

10. AMENDMENT OF CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. FOR ENVIRONMENTAL SERVICES RELATED TO A PROPOSED PROJECT LOCATED AT 34202 DEL OBISPO

APPROVED AN AMENDMENT (THE "FIRST AMENDMENT") TO THE AGREEMENT FOR CONSULTANT SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND LSA ASSOCIATES, INC., AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT.

11. APPROVAL OF REVISIONS TO RECORDS RETENTION SCHEDULES

ADOPTED **RESOLUTION 13-12-03-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING REVISED RECORDS RETENTION SCHEDULES FOR CERTAIN CITY DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

12. PCH/DEL PRADO STATUS REPORT AND TOWN CENTER BRANDING

Council Member Brough had removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL RECEIVE AND FILE THE PCH/DEL PRADO STATUS REPORT AND APPROVE BRANDING THE TOWN CENTER RETAIL/COMMERCIAL DISTRICT AS THE "LANTERN DISTRICT".

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

ABSENT: None

13. DISPOSITION OF NON-ESSENTIAL CITY RECORDS

APPROVED THE 2013 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED **RESOLUTION 13-12-03-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

14. APPROVAL OF A PURCHASE AND SALE AGREEMENT BY AND BETWEEN LIGHTHOUSE CHARITABLE FOUNDATION, INC. AND THE CITY OF DANA POINT FOR THE DISPOSITION OF THE PROPERTY COMMONLY REFERRED TO AS 26351 AND 26315 VIA CANON

Staff had removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL ADOPT **RESOLUTION 13-12-03-04** ENTITLED:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS BY AND BETWEEN LIGHTHOUSE CHARITABLE FOUNDATION, INC. AND THE CITY OF DANA POINT FOR THE DISPOSITION OF 26351 AND 26315 VIA CANON; and

AUTHORIZED AND DIRECTED THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; and

AUTHORIZED AND DIRECTED THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS THAT ARE NECESSARY AND APPROPRIATE TO EFFECTUATE THE SALE OF THE PROPERTY; and

AUTHORIZED THE CITY ATTORNEY TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE AGREEMENT.

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

ABSENT: None

15. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE PCH/DEL PRADO STREETSCAPE IMPROVEMENT PROJECT PHASE 1A PROJECT

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

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL APPROVE THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE PCH/DEL PRADO STREETSCAPE IMPROVEMENT PHASE 1A PROJECT (CIP #1242); AND APPROVE AWARD OF A CONTRACT (ACTION DOCUMENT A) TO LOS ANGELES ENGINEERING, INCORPORATED FOR CONSTRUCTION OF THE PCH/DEL PRADO STREETSCAPE IMPROVEMENT PHASE 1A PROJECT (CIP #1242), PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, SURVEYING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION; AUTHORIZE THE CITY MANAGER TO PROCESS THE FIRST AMENDMENT TO AGREEMENT WITH PSOMAS (ACTION DOCUMENT B) FOR ADDITIONAL CONSTRUCTION/ DESIGN SUPPORT SERVICES FROM PSOMAS/ROMA PER THE FISCAL IMPACT SECTION; AUTHORIZE THE CITY MANAGER TO PROCESS AND SIGN A CONSULTANT SERVICES AGREEMENT WITH CONSTRUCTIVE COMMUNITY RELATIONS, INCORPORATED IN THE NOT-TO-EXCEED AMOUNT OUTLINED THE FISCAL IMPACT SECTION; AUTHORIZED THE CITY MANAGER TO PAY SDG&E FOR INSTALLATION OF NEW STREET LIGHTING SYSTEM FOR THIS PHASE OF THE PROJECT, CURRENTLY ESTIMATED AT APPROXIMATELY \$175,000; AUTHORIZE ADDITIONAL SURVEYING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH HALL AND FOREMAN AND MATERIALS TESTING SERVICES PER THE FISCAL IMPACT SECTION; AND AUTHORIZE ADDITIONAL MATERIALS TESTING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH GMU GEOTECHNICAL AND MATERIALS TESTING SERVICES PER THE FISCAL IMPACT SECTION.

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

ABSENT: None

16. AMENDMENT TO ORANGE COUNTY FIRE AUTHORITY AGREEMENT – EQUITY

APPROVED THE ORANGE COUNTY FIRE AUTHORITY'S SECOND AMENDMENT TO THE AMENDED JOINT POWERS AUTHORITY (JPA) AGREEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SUBMITTED SECOND AMENDMENT TO THE AMENDED ORANGE COUNTY FIRE AUTHORITY JPA AGREEMENT.

PUBLIC COMMENTS

Heather Johnston
Ross Teasley
Rick Erkeneff
Art Sanchez
Patricia Jameson
Gayle Bloomingdale
Lynn O'Neil
Betty Hill
Richard Gardner

PUBLIC HEARINGS

17. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2014 WITH RELATED CONTRACT

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 13-12-03-05** ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2014 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2014 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH AGENCY 51 FOR 2014 MARKETING SERVICES ON BEHALF OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

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

ABSENT: None

18. GENERAL PLAN AMENDMENT (GPA13-0001) TO UPDATE THE HOUSING ELEMENT

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL CONDUCT THE PUBLIC HEARING; ADOPT **RESOLUTION 13-12-03-06** APPROVING THE NEGATIVE DECLARATION FOR THE UPDATED HOUSING ELEMENT ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO ADOPT A NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT (GPA13-0001) TO UPDATE THE HOUSING ELEMENT; and

ADOPT **RESOLUTION 13-12-03-07** APPROVING THE HOUSING ELEMENT (GPA13-0001) ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (GPA13-0001), WHICH AMENDS THE GENERAL PLAN HOUSING ELEMENT, AND SUBMISSION OF THE HOUSING ELEMENT FOR CERTIFICATION BY THE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT (HCD).

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

ABSENT: None

19. A NEGATIVE DECLARATION, ZONE TEXT AMENDMENT ZTA13-0001; LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001, SPECIFIC PLAN AMENDMENT SPA13-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 TO AMEND THE CITY'S ZONING ORDINANCE AND THE DANA POINT SPECIFIC PLAN TO ALLOW SHORT TERM RENTALS IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING; ADOPT **RESOLUTION 13-12-03-08** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE ZONE TEXT AMENDMENT (ZTA13-0001), SPECIFIC PLAN AMENDMENT (LCPA13-0001), AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA13-0002) TO AMEND THE CITY'S ZONING ORDINANCE AND THE DANA POINT SPECIFIC PLAN FOR THE ALLOWANCE OF SHORT TERM RENTALS IN ALL THE DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED.

The motion carried by the following vote:

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

NOES: Council Member Carlos N. Olvera

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL INTRODUCE A FIRST READING OF TWO ORDINANCES ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA13-0001 TO ALLOW SHORT TERM RENTALS

IN ALL THE ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT SPA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED WITHIN THE SPECIFIC PLAN'S BOUNDARIES, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

The motion carried by the following vote:

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

NOES: Council Member Carlos N. Olvera

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL ADOPT THE FOLLOWING TWO **RESOLUTIONS 13-12-03-09 AND 13-12-03-10** REQUESTING CERTIFICATION OF THE LCPA FROM THE CALIFORNIA COASTAL COMMISSION:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

The motion carried by the following vote:

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

NOES: Council Member Carlos N. Olvera

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

The new Mayor is Lisa Bartlett, the Mayor Pro Tem is Steven Weinberg.

B. RECOGNITION OF OUTGOING MAYOR

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:43 p.m. and announced that the next Regular Meeting of the City Council will be held on January 21, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

RECEPTION

REFRESHMENTS WERE SERVED – THE PUBLIC WAS INVITED.