

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JANUARY 21, 2014
5:00 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 14-01

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bartlett at 5:02 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Lisa A. Bartlett, Mayor
Steven H. Weinberg, Mayor Pro Tem
William P. Brough, Council Member
Carlos N. Olvera, Council Member
J. Scott Schoeffel, Council Member (*arrived at 5:05 p.m.*)

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)(2) (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

Name of Case: City of Dana Point v. California Coastal Commission, Surfrider Foundation, Headlands Reserve LLC; California Court of Appeal – 4th Appellate District – Division One Case No. D060260 (Consolidated with D060369)

Name of Case: City of Dana Point v. Marianne Stahl (Case No. 30-2012-00588176C)

C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

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

Mayor Bartlett recessed the meeting into a Closed Session at 5:04 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett 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 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; Shelley Velez, Senior Personnel Analyst; 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 Olvera.

INVOCATION

The Invocation was provided by Associate Pastor Jens Christy of Capo Beach Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Tavern on the Coast
Employee of the Month – Erica Demkowicz

CONSENT CALENDAR

A member of the public removed Item 13, Council Member Brough removed Items 6, 12, 17, and 18; Council Member Olvera removed Items 2, and 14 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 2, 6, 12, 13, 14, 17 AND 18.

The motion carried by the following vote:

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

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, DECEMBER 3, 2013

Council Member Olvera removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL APPROVE THE MINUTES WITH THE RECOMMENDED AMENDMENTS.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 18, 2013

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, DECEMBER 9, 2013

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 13, 2014

RECEIVED AND FILED.

6. INVESTMENT REVIEW COMMITTEE MINUTES, APRIL 15, 2013

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL RECEIVE AND FILE.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

7. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, OCTOBER 22, 2013

RECEIVED AND FILED.

8. ARTS AND CULTURE COMMISSION MEETING MINUTES, JULY 17, 2013

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, NOVEMBER AND DECEMBER 2013

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF NOVEMBER AND DECEMBER 2013.

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY COUNCIL MEMBER SCHOEFFEL TO ADD COUNCIL MEMBER OLVERA TO THE DANA POINT DESTINY AD HOC COMMITTEE.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, TO CREATE A HOMELESS TASK FORCE AND APPOINT COUNCIL MEMBER BROUGH AS THE REPRESENTATIVE.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL REVIEW THE LIST OF CITY COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES, CITY COMMITTEES, SUBCOMMITTEES AND TASK FORCES AND MADE REVISIONS TO APPOINTMENTS AND ADOPT **RESOLUTION 14-01-21-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

13. SECOND READING AND ADOPTION OF ORDINANCES TO ALLOW SHORT TERM RENTALS IN ALL THE ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED

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

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, TO HOLD A SECOND READING AND ADOPT **ORDINANCES 14-01 AND 14-02** 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 Steven Weinberg and Mayor Lisa Bartlett

NOES: Council Member Carlos N. Olvera

ABSENT: None

14. ANNUAL REVIEW OF INVESTMENT POLICY

Council Member Olvera removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY COUNCIL MEMBER SCHOEFFEL TO APPROVE THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY "INVESTMENT POLICY".

The motion carried by the following vote:

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

NOES: None

ABSENT: None

15. COMMUNITY DEVELOPMENT WORK PLAN

RECEIVED AND FILED THE PROPOSED COMMUNITY DEVELOPMENT WORK PLAN AND DIRECTED STAFF TO PLACE THIS ON THE UPCOMING JOINT CITY COUNCIL-PLANNING COMMISSION MEETING AGENDA SO THAT DIRECTION CAN BE PROVIDED AND PRIORITIES ASSIGNED TO THE RESPECTIVE PROJECTS.

16. ADOPTION OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF DANA POINT AND THE DANA POINT EMPLOYEES ASSOCIATION (DPEA)

APPROVED THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF DANA POINT AND THE DANA POINT EMPLOYEES ASSOCIATION (DPEA), AND AUTHORIZE THE CITY MANAGER TO SIGN THE MOU; AND ADOPTED **RESOLUTION 14-01-21-02** OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING THE EMPLOYER-PAID MEMBER CONTRIBUTIONS FOR ELIGIBLE NON-EXEMPT CLASSIFICATIONS ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING THE EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) TO THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS); and

AMENDED THE CITY'S WAGE AND ADMINISTRATION POLICY.

17. STATUS REPORT ON THE PCH/DEL PRADO STREET IMPROVEMENT PROJECT

Council Member Brough removed this Item from the Consent Calendar.

RECEIVED AND FILED THE PCH/DEL PRADO STREETScape IMPROVEMENT PROJECT STATUS REPORT.

18. COUNCIL POLICY PERTAINING TO CITY CONTRACTORS SERVING ON COMMISSIONS

Council Member Brough removed this Item from the Consent Calendar.

RECEIVED AND FILED SUBJECT REPORT.

PUBLIC COMMENTS

Berenika Schmitz
JoAnn Christman
Ingrid McGuire
Alan Wickstrom

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

19. UPDATE FROM THE ORANGE COUNTY FIRE AUTHORITY

RECEIVED A STATUS REPORT FROM FIRE CHIEF RICHTER OF THE ORANGE COUNTY FIRE AUTHORITY.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys provided an update on the City's 25th Anniversary. He stated that staff has been working on an anniversary kick off in conjunction with the Festival of Whales in March. He thanked Council Member Olvera for providing historical information.

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 8:11 p.m. She announced that the City Council would next be meeting with the Planning Commission for a Joint Meeting to be held on January 28, 2014 at 6:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.