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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
DECEMBER 3, 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 (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.

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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; 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 Olvera.

**INVOCATION**

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

**PRESENTATIONS AND PROCLAMATIONS**

December's Business of the Month - Jimmy's Famous American Tavern

Community Development Director Luna-Reynosa provided a PowerPoint presentation. She stated that Jimmy's opened in August, 2013. She added that they support Dana Point 5th Marine Regiment Support Group, and Miracles for Kids where they offer a "Combo for Cause" and a portion of each combo purchased by a customer is donated. Mayor Weinberg presented General Manager, Stacy Mald with a Certificate of Recognition for being selected the Business of the Month, December 2013. Heather Johnston, CEO of the Dana Point Chamber presented Mr. Mald with a one year free membership to the Dana Point Chamber.

Employee of the Month - Jackie Littler

Mayor Weinberg and City Manager Chotkevys surprised Jackie Littler with being recognized as the Employee of the Month for December 2013. Mayor Weinberg presented Jackie with a Certificate of Recognition for her honor.

**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.

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

**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.

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**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 removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

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Council Member Brough thanked staff for their good work.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, 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

**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.

City Manager Chotkevys provided a clarification on the purchase and sale agreement.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, 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 DISPOITION OF 26351 AND 26315 VIA CANON; AND*

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AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; AND AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS THAT ARE NECESSARY AND APPROPRIATE TO EFFECTUATE THE SALE OF THE PROPERTY; AND AUTHORIZE 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

**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.

City Manager Chotkevys provided a staff report.

Mayor Weinberg opened the Public Comments.

Harold Kaufman, Dana Point, stated that he was concerned that there was no plan to work with affected businesses to minimize and mitigate the effects of the construction and that there was no plan for alternative signage.

Mayor Weinberg closed the Public Comments.

Director Fowler stated that there was a meeting scheduled for tomorrow at 9:30 a.m. with the affected business owners as well as a second meeting scheduled for the evening next week.

City Manager Chotkevys added that the communication will not stop with these meetings and that the City will continue to reach out.

Council Member Olvera thanked staff for this report.

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO 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

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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&NBSP; 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

**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.

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**PUBLIC COMMENTS**

Heather Johnston, San Clemente, CEO of Dana Point Chamber of Commerce, thanked everyone for their efforts with the Turkey Trot. She reported that there were over 11,000 runners this year. She thanked numerous other organizations that had provided assistance with the event.

Ross Teasley, Dana Point, asked Council to follow Dana Point tradition and appoint current Mayor Pro Tem Lisa Bartlett as the Mayor and Council Member Scott Schoeffel as the Mayor Pro Tem. He felt that both Lisa and Scott had the background on Town Center that the City will need in the coming year.

Rick Erkeneff, Dana Point, thanked the Council and the staff for their hard work.

Art Sanchez, Dana Point, felt that Lisa Bartlett would make a great Mayor and stated that timing was very important. He added that Scott has the experience to serve as the Mayor Pro Tem based on his experience.

Patricia Jameson, Newport Beach, spoke about some issues she had recently with two local hotels.

Gayle Bloomingdale, Dana Point, encouraged the Council to select Mayor Pro Tem Bartlett as the Mayor and Council Member Schoeffel as the Mayor Pro Tem.

Lynn O'Neil, Dana Point, asked the City Council to select Lisa Bartlett as the Mayor and Scott Schoeffel as the Mayor Pro Tem.

Betty Hill, Dana Point, thanked the City Council and the staff for the improvements to the City over the past couple of years. She stated that she was especially thankful for the Quiet Zone. She added that Council Member Schoeffel played an integral part in that achievement. She felt that Lisa Bartlett and Scott Schoeffel would be the best to serve as Mayor and Mayor Pro Tem.

Richard Gardner, Capistrano Beach, encouraged the City Council to agendize the discussion of an emergency shelter. He spoke of a Senate Bill 2 which requires cities to identify areas for emergency shelters to operate in their planning documents.

**PUBLIC HEARINGS**

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

City Manager Chotkevys provided an introduction and Assistant City Manager Killebrew provided a staff report.



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Mayor Weinberg opened the Public Hearing.

Heather Johnston, San Clemente, urged the City Council to vote in support of renewing the TBID and approving the contract with Agency 51.

Mayor Weinberg closed the Public Hearing.

Mayor Pro Tem Bartlett stated that she was so pleased with what the TBID has accomplished in a few short years. She made a motion for approval of the renewal.

Council Member Brough stated that next year, he would appreciate a wrap up of the previous year in the staff report.

Council Member Olvera stated that a year ago he was very critical of the TBID and the Elephant Parade. He added that he would like to retract the negative comments he had made regarding that. He stated that he agrees with Council Member Brough about wanting to see a breakdown of how things had gone, and whether there was any carryover of funds. He asked if the City is able to recoup any cost of City staff time spent on the Elephant Parade.

Assistant City Manager Killebrew replied that staff time is not reimbursable from the TBID. He stated that the Elephant Parade was new to the City and lessons were learned. He added that he does not anticipate staff providing that level of effort in the future.

City Manager Chotkevys stated that the work around the City was still being done even with the extracurricular activities. He added that was amazed at the effort that the employees contribute to the City and the different events.

Council Member Olvera stated that he appreciated the efforts that City Engineer Sinacori and Public Works Director Fowler had provided with the Elephant Parade.

Mayor Pro Tem Bartlett stated that the TOT collected for the last fiscal year was up 7.5% over the previous fiscal year, and that the surplus carryover was 1.9 million dollars.

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO 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*

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*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

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

City Manager Chotkevys provided an introduction of the item and Economic Development Director Teague provided a staff report.

Community Development Director Luna-Reynosa added that through the efforts of Christy and The Planning Center, the City was able to comply with Senate Bill 375 which outlines some criteria that the City met allowing our next cycle to be eight years as opposed to five years.

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

IT WAS MOVED BY MAYOR STEVEN H. WEINBERG TO CONDUCT THE PUBLIC HEARING; AND ADOPT **RESOLUTION 13-12-03-05** 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 13-12-03-06** 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*

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(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

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**

City Manager Chotkevys provided an introduction of the item and Director of Community Development Luna-Reynosa provided a staff report.

City Attorney Munoz elaborated that the City Council dealt with the issue of whether or not to allow short term rentals some time ago and adopted business regulations for the short term rentals. He stated that staff had structured these approvals into a two-part strategy. He added that the first strategy established the business regulations, and the second part tonight is the zoning regulations which will indicate where in the city the businesses may operate. He stated that Council was very clear that they wanted to have the flexibility to determine what was and was not working with the business regulations. He added that because much of the city is in the coastal zone, Council will not have the flexibility to act and make changes easily if this was handled as a zoning regulation.

Mayor Weinberg opened the Public Hearing.

Stephen Pryde, Dana Point, stated that he was concerned that the short term rental permits were to begin on January 15, 2014 and that the applications were not yet available.

Community Development Director Luna-Reynosa replied that staff was in the process of putting the permit application together. She stated that the Ordinance indicates that they will have to apply for the permit by January 15 and that staff will have the paperwork ready so that people can make the application date.

Mayor Weinberg closed the Public Hearing.

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City Manager Chotkevys added that the City will be very flexible since this is a new program that is just starting up.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO 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 J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO 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.*

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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 J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO 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**

There were no additional Public Comments received.

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**CITY COUNCIL REORGANIZATION**

**A. CITY COUNCIL REORGANIZATION**

Mayor Weinberg nominated Lisa Bartlett for Mayor and Council Member Olvera nominated Bill Brough.

Council Member Brough stated that Council Policy indicates that the City Clerk should open the nominations and not the Mayor.

City Clerk Ward called for nominations for the position of Mayor.

Mayor Weinberg nominated Mayor Pro Tem Bartlett and Council Member Olvera nominated Council Member Brough for Mayor.

Council Member Brough reminded the public that he had asked for staff in December 2012 to put the Town Center on the agenda which is now in progress.

Council Member Olvera stated that when he was a charter member on the Planning Commission, that is when the Town Center was being planned.

Mayor Weinberg stated that there was a recession and the City had cut the CIP budget just to survive. He added that the City is now coming out of it which is allowing Town Center to be started.

Council Member Olvera stated that he was responsible for the phasing plan for the Town Center.

**IT WAS MOVED BY MAYOR STEVEN WEINBERG TO NOMINATE LISA BARTLETT FOR MAYOR.**

The motion carried by the following vote:

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

**NOES:** Council Member William Brough and Council Member Carlos N. Olvera.

**ABSENT:** None

Mayor Bartlett called for nominations for Mayor Pro Tem.

**IT WAS MOVED BY MAYOR PRO TEM LISA BARTLETT TO NOMINATE STEVEN WEINBERG FOR MAYOR PRO TEM.**

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The motion carried by the following vote:

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

**NOES:** Council Member William Brough

**ABSENT:** None

### **STAFF REPORTS**

There were no Staff Reports.

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

Council Member Olvera reported that he had attended the following:

November 11 - Veteran's Day Memorial at Strands Park  
November 17 - Elephant Parade  
November 20 - Orange County Business Council  
November 12 - Saddleback Veterans Day Celebration  
November 21 - Festival of Whales meeting  
November 22 - South Orange County Economic Council where he spoke on the Town Center

He stated that this was his first year on the City Council and he thanked everyone who supported him. He believes that it should be residents first and that he was very proud to be sitting on this Council.

Council Member Schoeffel reported that he attended the following:

November 11 - Veteran's Day Memorial  
November 15 - Farewell to Elephant Parade  
November 17 - Charity auction for the Elephant Parade  
November 28 - Played the National Anthem for the 5th Marines Thanksgiving dinner

He stated that he would turn in the rest of his meetings attended to the City Clerk. He wished everyone happy holidays.

Council Member Brough stated that he had turned in his list of meetings attended to the City Clerk. He asked for a couple of items to be included on the agenda in January; 1. that the City Attorney provide the City regulation on whether contractors are permitted to serve on City Commissions and Boards, and 2. He spoke of the bad press that the Orange County Fire Authority has had recently and stated that he would like a briefing on the situation there.

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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
DECEMBER 3, 2013**

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Mayor Pro Tem Weinberg stated that he would be more than happy to provide a briefing on the press that the Fire Authority has been getting. He added that he had turned in his list of meetings attended to the City Clerk. He wished everyone happy holidays.

Mayor Bartlett reported that she had attended several meetings of the Transportation Corridor Agency and an Association of California Cities - Orange County meeting. She added that she too had enjoyed the Elephant Parade and felt that it had provided great exposure for our city. She stated that she attended the Sunrise Rotary Vocational Day and served the seniors at the Senior Thanksgiving luncheon. She announced that the Dana Point Boat Parade in the Harbor will be held December 6, 7, 13 and 14 and that the Dana Point Holiday Festival will be held on the December 14 with the tree lighting at dusk. She wished everyone happy, healthy holiday season.

**B. RECOGNITION OF OUTGOING MAYOR**


Mayor Bartlett presented Steven Weinberg with a plaque in honor of his service as mayor for 2013. She congratulated him for being elected as the Orange County Fire Authority Chairman.

**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.

  
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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF JANUARY 21, 2014



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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
DECEMBER 3, 2013**

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Meetings attended since November 5, 2013:

**Mayor Lisa Bartlett**

November 11	Veteran's Day ceremonies at Strands Vista Park and the Fountains at Sea Bluffs
November 17	Dana Point elephant Parade Auction and Gala at the Laguna Cliffs Marriott
November 21	League of Cities, Orange County division meeting
November 26	Dana Point Turkey Trot VIP reception at Mahe

**Mayor Pro Tem Steven Weinberg**

November 6	OCFA Budget and Finance Committee
November 7	Ribbon Cutting, Sundara Salon
November 11	Veterans Day Service
November 12	OCFA Meeting with Execs
November 15	Elephants in the Park
November 17	Elephant Parade Charity Gala
November 20	Monarch Beach Sunrise Rotary Vocational Day Discuss OCFA JPA Renewal
November 21	SOCAM Meeting City of Laguna Beach Vector Control, Budget & Finance Committee Vector Control Board of Directors
November 26	OCFA Meeting with Execs
December 3	OCFA Meetings

**Council Member William Brough**

November 11	Dana Point Veterans Day Ceremony, Veterans Memorial Strands Vista
November 12	Saddleback College Veterans Day Ceremony, Mission Viejo
November 17	Elephant Parade farewell reception, Dana Point Marriott
November 18	American Legion Post 281 meeting, Dana Point Harbor
November 19	Employee MOU agreement negotiation meeting, DP City Hall
November 20	Orange County Business Council event, Costa Mesa
November 30	Robert Hows Memorial Service, Tavern on the Coast
December 2	Cox Local Connection television appearance on Town Center Project, Rancho Santa Margarita

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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
DECEMBER 3, 2013**

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**Council Member Scott Schoeffel**

- November 4      Attended meeting with the international organizers of the Elephant Parade to make final arrangements for the event's closing weekend and the gala charity auction.
- November 11     Attended and performed music at the city's Veterans Day Service at the Veterans Memorial.
- November 14     Attended San Joaquin Hills Transportation Corridor Agency Board meeting.
- November 15     Performed music and helped stage the "Community Farewell to the Elephant Parade" in Lantern Bay Park.
- November 17     Served as master of ceremonies and performed music for the closing "Gala Charity Auction for the Elephant Parade" at the Laguna Cliffs Marriott Resort and Spa.
- November 26     Attended the Turkey Trot Kickoff Party sponsored by the Dana Point Chamber of Commerce at Mahe restaurant.
- November 28     Attended the Turkey Trot annual Thanksgiving Day race in Dana Point Harbor.  
Attended and perform music for the Thanksgiving Day dinner for U.S. Marines and their families sponsored by the Dana Point Fifth Marine Support Group and others at Stillwater restaurant.
- December 2      Attended Coastal Animal Services Authority Board meeting at the animal shelter in San Clemente.