

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
MARCH 18, 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. 14-03

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 5:04 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 5:06 p.m.*)

CLOSED SESSION

City Attorney Munoz indicated that there was a need for a Closed Session as follows with an amendment to Item A; he announced that there were only two (2) cases for discussion, not three (3) as listed:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(3) (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (1 case):

California Regional Water Quality Control Board, San Diego Region
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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)

Mayor Bartlett recessed the meeting into a Closed Session at 5:05 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:04 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; Sgt. Brian Irish; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Kevin Evans, Director of Community Services; Christy Teague, Economic Development Manager; Robert Sedita, Management Analyst; John Tilton, City Architect; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Proud Mary's
Employee of the Month – Kathy Ward
Boys & Girls Club of Capistrano Valley – Youth of the Year – Michelle Alexander
Eagle Scout Resolution – Brantlee Griffith

CONSENT CALENDAR

Council Member Brough removed Item 10 and a member of the Public removed Item 16 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 10 AND 16.

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, FEBRUARY 18, 2014

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 10, 2014

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 24, 2014

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 10, 2014

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, JANUARY 16, 2014

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, FEBRUARY 2014

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2014.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. FISCAL YEAR 2013-14 BUDGET STATUS REPORT

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2013-14 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT.

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

11. VACATION OF A SLOPE EASEMENT AT 34215 PACIFIC COAST HIGHWAY (ASSESSOR PARCEL NUMBERS 682-301-15 AND 682-301-16)

ADOPTED RESOLUTION 14-03-18-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA VACATING A SLOPE EASEMENT AT 34215 PACIFIC COAST HIGHWAY (ASSESSOR PARCEL NUMBERS 682-301-15 AND 682-301-16) AS DEDICATED PER DOCUMENT RECORDED WITH THE COUNTY OF ORANGE OCTOBER 18, 1979 AS INSTRUMENT NUMBER 27473 IN BOOK 13357, PAGE 665 O.R.

12. AWARD OF CONTRACT FOR THE 2014 FOURTH OF JULY FIREWORKS DISPLAY AND BARGE CONTRACT

APPROVED THE FOLLOWING CONTRACTS FOR THE 2014 FOURTH OF JULY AERIAL DISPLAY: 1) CONTRACT WITH PYRO-SPECTACULARS INC. IN THE AMOUNT OF \$95,000 FOR THE AERIAL DISPLAY; 2) CONTRACT WITH PACIFIC TUGBOAT SERVICE IN THE AMOUNT OF \$32,502 TO PROVIDE A TUG AND BARGE FOR THE STAGING AREA FOR THE FIREWORKS DISPLAY; AND 3) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENTS.

13. REQUEST OF 24-MONTH EXTENSION FOR PREVIOUSLY AWARDED OCTA GRANT FUNDS FOR SAN JUAN CREEK LO1S02 STORM DRAIN WATER QUALITY PROJECT

CONCURRED WITH THE 24-MONTH EXTENSION REQUEST AND AUTHORIZED CITY MANAGER OR HIS DESIGNEE TO REQUEST THE DELAY AND PROVIDE JUSTIFICATION VIA LETTER TO OCTA.

14. NEW JOB DESCRIPTION AND SALARY RANGE FOR BUILDING & FACILITIES MAINTENANCE WORKER I/II/III

ADOPTED RESOLUTION 14-03-18-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ELIMINATING JOB DESCRIPTION AND SALARY RANGE FOR BUILDING AND FACILITIES MAINTENANCE WORKER III AND ADOPTING A NEW JOB DESCRIPTION AND SALARY RANGE FOR BUILDING & FACILITIES MAINTENANCE WORKER I/II/III.

15. TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) CONTRACT FOR HOLIDAY LIGHTS PROJECT

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH UTOPIA ENTERTAINMENT, INC. TO DEVELOP AND PRODUCE A HOLIDAY LIGHTS PROJECT ON BEHALF OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

16. LANTERN DISTRICT ENTRY FEATURE CONCEPTS

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL APPROVE SUBJECT CONCEPTS; AUTHORIZE PUBLIC WORKS TO PROCEED WITH DESIGN AND CONSTRUCTION DOCUMENTS; AND APPROVE THE FIRST AMENDMENT TO THE CONSULTANT AGREEMENT WITH THIRTIETH STREET ARCHITECTS.

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

PUBLIC COMMENTS

Brandon Phillips
Darla Phillips
Daniel Johnson
Ben Classen
Jennie Ibane
Jason Kenworthy
Michael Martin
Scott Peterson
Jason Colaco
Ken King
Corinne Conklin
Cynthia Carol
Beth Everett
Michael Hardy
Chris Bruce

James Beran
Robert Chavez
Helen Mahshi
Steve Stewart
Alan Wickstrom

PUBLIC HEARINGS

17. STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP)

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTIONS 14-03-18-03 AND 14-03-18-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, AUTHORIZING THE CITY TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF DANA POINT; APPROVING FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AND AUTHORIZING RELATED ACTIONS.

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

18. APPEAL OF PLANNING COMMISSION DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT CDP11-0018 FOR THE CONDITIONAL VACATION OF SCENIC DRIVE AND RELATED LOT LINE ADJUSTMENTS AND QUITCLAIM DEEDS RESULTING FROM THE STREET VACATION

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND GRANT THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT, CDP 11-0018, THAT ALLOWS FOR THE VACATION AND RELATED LOT LINE ADJUSTMENTS AND QUITCLAIM DEEDS, SUBJECT TO SPECIFIC CONDITIONS, INCLUDING A PEDESTRIAN ACCESS EASEMENT; and

ADOPT **RESOLUTION 14-03-18-05** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA GRANTING THE APPEAL AND MODIFYING THE CONDITIONS OF APPROVAL OF THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0018 FOR THE CONDITIONAL VACATION OF SCENIC DRIVE AS SPECIFIED IN THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) AND RELATED LOT LINE ADJUSTMENTS AND QUITCLAIM DEEDS.

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

- 19. DIRECT STAFF TO ELIMINATE THE CITY-WIDE GENERAL GOVERNMENT DEVELOPMENT IMPACT FEE AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE; HOLD A PUBLIC HEARING TO ESTABLISH THE LANTERN DISTRICT DEVELOPMENT IMPACT FEE FOR THE TOWN CENTER PLAN AREA; THE MITIGATION PROGRAM; SET FORTH THE INITIAL AMOUNT OF THE FEE; AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LANTERN DISTRICT DEVELOPMENT IMPACT FEE, AND AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 14.30 RELATING TO THE PUBLIC FACILITY DEVELOPMENT IMPACT FEES**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL DIRECT STAFF TO IMMEDIATELY INITIATE ACTION AND RETURN TO COUNCIL WITH THE APPROPRIATE ACTION DOCUMENTS FOR THE DISESTABLISHMENT OF THE GENERAL GOVERNMENT DEVELOPMENT IMPACT FEE AND THE TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE.

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, THAT THE CITY COUNCIL INTRODUCE AND HOLD A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE "LANTERN DISTRICT DEVELOPMENT IMPACT FEE," AND AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 14.30 RELATING TO PUBLIC FACILITY DEVELOPMENT IMPACT FEES.

The motion carried by the following vote:

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

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

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL ADOPT **RESOLUTION 14-03-18-06** WITH THE ADDITION OF THE EARLY FEE REDUCTION SCHEDULE NOTED IN THE STAFF REPORT FOR ALL PROJECTS:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING THE LANTERN DISTRICT DEVELOPMENT IMPACT FEE FOR THE TOWN CENTER PLAN AND THE MITIGATION PROGRAM AND SETTING THE INITIAL AMOUNT OF THE FEE FOR DEVELOPMENT WITHIN THAT AREA.

The motion carried by the following vote:

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

NOES: Council Member William Brough

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

20. TRANSPORTATION CORRIDOR AGENCY (TCA) UPDATE

RECEIVED AND FILED A REPORT FROM THE TCA.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

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 9:45 p.m. and announced that the next Regular Meeting of the City Council will be held on April 15, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.