

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 15, 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 5:01 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 5:10 p.m.*)

CLOSED SESSION

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- A. 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)

- B. 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 5:02 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:03 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. Russ Chilton; 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; 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 Mayor Pro Tem Weinberg.

INVOCATION

The Invocation was provided by VFW Post 9934 Commander Morrie Hansen.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – EZ Green Bikes
Employee of the Month – Robert Sedita
Deputy of the Year – Deputy Brian Hall
Recognition – Lt. Lynn Koehmstedt

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9, 10, 11 AND 17.

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, MARCH 18, 2014

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 10, 2014

RECEIVED AND FILED.

4. YOUTH BOARD MEETING MINUTES, FEBRUARY 6, 2014

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, MARCH 2014

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ELIMINATING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES FEE AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT

ADOPTED **RESOLUTION 14-04-15-01** TO ELIMINATE THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ELIMINATING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES FEE AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT.

9. SECOND READING AND ADOPTION OF 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

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL THAT THE CITY COUNCIL HOLD A SECOND READING AND ADOPT **ORDINANCE 14-03** 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 Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: Council Member William Brough

ABSENT: None

10. APPROVAL OF CONTRACT AMENDMENTS FOR AS-NEEDED PUBLIC WORKS DEVELOPMENT ENGINEERING PLAN CHECK AND CAPITAL IMPROVEMENT PROGRAM DESIGN SERVICES WITH ATKINS NORTH AMERICA, INC.

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 APPROVE A CONTRACT AMENDMENT WITH ATKINS FOR ADDITIONAL SERVICES FOR AS-NEEDED PUBLIC WORKS PLAN CHECKING SERVICES; APPROVED A CONTRACT AMENDMENT WITH ATKINS FOR PUBLIC WORKS AS-NEEDED DESIGN SERVICES, AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT 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

11. THIRD CONTRACT EXTENSION AND BUDGET ADJUSTMENT FOR THE ENVIRONMENTAL SERVICES PROVIDED BY LSA ASSOCIATES FOR THE SOUTH SHORES CHURCH PROJECT ENVIRONMENTAL IMPACT REPORT

Council Member Olvera removed this item from the Consent Calendar.

Mayor Pro Tem Weinberg recused himself from voting on this item due to a potential conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER OLVERA, SECONDED BY COUNCIL MEMBER SCHOEFFEL THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A THIRD EXTENSION AND BUDGET ADJUSTMENT TO THE CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES.

The motion carried by the following vote:

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

NOES: None

RECUSE: Mayor Pro Tem Steven Weinberg

12. DANA POINT CITY TROLLEY UPDATE REPORT (OCTA PROJECT V GRANT)

RECEIVED AND FILED THE TROLLEY UPDATE REPORT AND AUTHORIZED THE SUPPORTING LETTER TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY REQUESTING AN EXTENSION TO THE PROJECT V GRANT FUNDING SCHEDULE.

13. BIENNIAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT

APPROVED AND ADOPTED **RESOLUTION 14-04-15-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN LOAN LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE.

14. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JANUARY – MARCH 2014

RECEIVED AND FILED THE QUARTERLY REPORT.

15. APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CITY OF DANA POINT

APPROVED THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CITY OF DANA POINT TO PROVIDE INTER-AGENCY GUIDELINES AND RESPONSIBILITIES FOR THE PURPOSE OF SHARING CLOSED CIRCUIT TELEVISION (CCTV) VIDEO IMAGES/STREAMS BETWEEN CALTRANS D12, PARTICIPATING CITIES IN ORANGE COUNTY, AND THE CITY OF DANA

POINT FOR CONGESTION MONITORING, TRAFFIC MANAGEMENT, AND INCIDENT MANAGEMENT; AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE MOU.

16. AWARD OF CONTRACT FOR PROCUREMENT CARD PROGRAM

AWARDED A CONTRACT TO FIA CARD SERVICES, A DIVISION OF BANK OF AMERICA, FOR A CORPORATE CREDIT CARD AGREEMENT THAT INCLUDES A LINKING AUTHORIZATION FOR THE PROCUREMENT CARD PROGRAM WITH THE CITY OF RIVERSIDE; AND AUTHORIZED THE CITY MANAGER OR HIS REPRESENTATIVE TO EXECUTE THE AGREEMENTS FOR SAID SERVICE AGREEMENT.

17. INITIATION OF HOMELESS TASK FORCE

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 THAT THE CITY COUNCIL INITIATE A HOMELESS TASK FORCE, APPOINT COUNCIL MEMBER BROUGH AS THE CITY COUNCIL REPRESENTATIVE, AND APPROVE THE RECOMMENDED INITIAL APPOINTMENTS AND AUTHORIZE COUNCIL MEMBER BROUGH TO MAKE ADDITIONAL APPOINTMENTS AS NEEDED IN THE FUTURE.

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

Nancy Weagley
Patrice Martin
Paul Simonds
JoAnn Christman
John Tomlinson
Bob Theel
Alan Wickstrom
Lauralyn Loynes
Terry Rifkin
Brandon Phillips
Chad George
Karen George

PUBLIC HEARINGS

There were no Public Hearing items.

UNFINISHED BUSINESS

18. 2014 ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL HEAR ANY OBJECTIONS REGARDING WEED ABATEMENT AND, THEREAFTER, ADOPT **RESOLUTION 14-04-15-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

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

NEW BUSINESS

19. NIGUEL BEACH TERRACE SHORT-TERM RENTAL COMPLIANCE

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT IN ORDER TO ALLOW FOR A POSSIBLE AMENDMENT TO THEIR CC&R'S, THE CITY COUNCIL EXTEND THE MAY 1, 2014 DEADLINE FOR COMPLIANCE WITH ITS VACATION RENTAL ORDINANCE FOR OPERATORS IN NIGUEL BEACH TERRACE UNTIL AUGUST 1, 2014, PROVIDED THAT: (1) NO NEW BOOKINGS MAY BE ACCEPTED AFTER APRIL 15, 2014, (2) OPERATORS MUST COMPLETE AN APPLICATION FOR A TEMPORARY PERMIT BY APRIL 30, 2014, WHICH TEMPORARY PERMIT SHALL INCLUDE THE PROVISIONS IDENTIFIED BY STAFF DURING DISCUSSION OF THIS MATTER, AND WHICH SHALL SPECIFICALLY INCLUDE A LIST OF ALL BOOKINGS THROUGH APRIL 15, 2014, AND (3) OPERATORS SHALL COMPLY WITH ALL PROVISIONS OF THE CITY'S ORDINANCES, PERMITS AND REGULATIONS (EXCEPTING THOSE RELATED TO CC&R'S).

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

20. LANTERN DISTRICT ENTRY FEATURE

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG THAT THE CITY COUNCIL UPHOLD ITS PREVIOUS ACTION TAKEN ON THE LANTERN DISTRICT ENTRY FEATURE.

The motion carried by the following vote:

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

NOES: Council Member Scott Schoeffel and Mayor Bartlett

ABSENT: None

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 10:00 p.m. and announced that the next Regular Meeting of the City Council will be May 20, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.