
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 18, 2014**

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:

Present: Mayor Lisa A. Bartlett
Mayor Pro Tem Steven H. Weinberg
Council Member William P. Brough
Council Member Carlos N. Olvera
Council Member J. Scott Schoeffel (*arrived at 5:06 p.m.*)
Absent: None

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.

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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 and Engineering; Kevin Evans, Director of Community Services; 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.

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

Community Development Director Luna-Reynosa provided a PowerPoint presentation regarding Proud Mary's. She reported that Steve Zdrakas purchased Proud Mary's in 2005 and is run by Steve and his sons, Nick and Ben. She stated that in 2007 Proud Mary's suffered a devastating fire and but was able to re-open in 2009. She added that Proud Mary's is open for breakfast and lunch as well as for private events in the evenings. Mayor Bartlett presented Steve Zdrakas with a Certificate of Recognition for Proud Mary's being selected as Business of the Month, March 2014. Heather Johnston presented Steve with a plaque and marketing package on behalf of the Chamber of Commerce.

Employee of the Month - Kathy Ward

City Manager Chotkevys provided remarks regarding Kathy. Mayor Bartlett presented Kathy with a Certificate of Recognition for being selected Employee of the Month for March, 2014.

Boys & Girls Club of Capistrano Valley - Youth of the Year - Michelle Alexander

James Littlejohn of the Capistrano Valley Boys & Girls Club introduced Michelle Alexander. Michelle provided details on her background and how the Boys & Girls Club had changed her life. Mayor Bartlett presented Michelle with a Certificate of Recognition for her selection of Capistrano Valley Boys and Girls Club Youth of the Year.

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Eagle Scout - Brantlee Griffith

Brantlee Griffith described his Eagle Scout project. Mayor Bartlett presented Brantlee Griffith with a Certificate of Recognition for his earning the rank of Eagle Scout.

CONSENT CALENDAR

Item #10 was removed by Council Member Brough and Item #16 was removed by a member of the public.

IT WAS MOVED BY MAYOR PRO TEM STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL ACCEPT THE RECOMMENDATIONS 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

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.

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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.

Assistant City Manager Killebrew provided a staff report.

Council Member Brough asked if staff would be returning to Council in June for the funding of Del Prado Phase of the Town Center project.

City Manager Chotkevys replied yes.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER J. SCOTT 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

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**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 LO1SO2 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.

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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.

City Manager Chotkevys provided a staff report.

Mayor Bartlett opened the public comments.

Keith Johannes, Dana Point, stated that he was concerned about the signs and added that it appeared that there was a lack of a unified design. He felt that the Lantern District sign appears to be headed into Del Prado and felt that placement will look like Del Prado is the only part of the Lantern District. He stated that Coast Highway should be designated as well.

Mayor Bartlett closed the public comments.

Council Member Schoeffel asked Council Member Olvera to respond to the concerns of Mr. Johannes.

Council Member Olvera replied that provided the background of how the working group decided on the Lantern District for the name of Town Center. He stated that the Lantern District area has not been changed and includes both Pacific Coast Highway and Del Prado.

Council Member Schoeffel asked if there should be uniform signage throughout the district.

Council Member Olvera replied that was already in the plan to include signage on both streets.

Council Member Schoeffel asked what is going to happen at the other end of the thoroughfare, will there be a similar sign on the Pacific Coast Highway side.

Council Member Olvera replied that there will be signage on the down coast side in the middle of the couplet.

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City Manager Chotkevys asked if it was contemplated by the working group that the City will be able to physically shut Del Prado down for festivals while still maintaining through traffic on Pacific Coast Highway.

Director Fowler replied yes.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN H. WEINBERG, APPROVE SUBJECT CONCEPTS; AUTHORIZE PUBLIC WORKS TO PROCEED WITH DESIGN AND CONSTRUCTION DOCUMENTS; UPDATE THE HISTORIC RESOURCE INVENTORY, 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

PUBLIC COMMENTS

City Manager Chotkevys acknowledged that there were about 50 young people in the ante room who came to address the City Council tonight regarding an item. He stated that due to the occupancy issues, he asked Mike Rose to go out and narrow down their group down to six representatives.

Brandon Phillips, Laguna Niguel, felt that having the availability for kids to be involved with action sports helps them find their niche in life. He asked that a skate park in Dana Point be open for discussion.

Darla Phillips, Laguna Niguel, spoke regarding helping kids find a safe place to skateboard.

Daniel Johnson, Laguna Niguel, asked the City Council to consider a place for action sports.

Ben Classen, spoke regarding the proposed construction of a skate park in Dana Point.

Jennie Havana, San Juan Capistrano, spoke regarding the lack of a safe place for kids to skate.

Jason Kenworthy, Dana Point, spoke regarding the need for kids to skate in town.

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Michael Martin, Laguna Niguel, stated that he was concerned with the gate access at Strands Beach and spoke of getting stuck in the Headlands development on a Sunday.

Scott Petersen, Laguna Niguel, asked the City Council to extend the enforcement of short term rentals for Niguel Beach Terrace from May 1st to September 1st to allow them more time to amend their CC&Rs. He spoke regarding the information they had submitted to the Council showing the efforts they have made in the amendment process.

Jason Killaco, Dana Point, stated that the deadline of May 1st was not enough time to amend their CC&R's for Niguel Beach Terrace.

Ken King, Dana Point, thanked the City Attorney for setting the May 1st deadline for enforcement of illegal vacation rentals in Niguel Beach Terrace. He encouraged the City to maintain that date and not delay the deadline.

Corrine Conklin, Laguna Beach, encouraged the extension of time with regard to Niguel Beach Terrace to allow vacation rentals. She asked the City Council to reconsider the May 1st deadline.

Cynthia Carrol, Dana Point, asked for an extension until September 1st for Niguel Beach Terrace to amend their CC&R's.

Beth Everett, Laguna Niguel, asked for an extension of time for Niguel Beach Terrace to amend their CC&R's. She stated that they needed at least six months.

Michael Hardy, Newport Beach, spoke regarding amending the CC&R's for Niguel Beach Terrace. He asked for an extension to September 1st.

Chris Bruce, Mission Viejo, owner of Dana Party Supply, spoke regarding the Doheny Village. She felt that there seems to be no efforts to make any changes in that area. She suggested two potential changes that came up in a business owners meeting last week; some sort of day laborer situation established and for the consideration of a Sheriff substation down there. She felt that these simple changes would go a long way in promoting safety in the community.

James Beran, Capistrano Beach, owner of the Surfin Cowboy, stated that he had viewed the trolley map and noted that there were no stops in Doheny Village. He felt that a pedestrian overpass at the end of Doheny Park Road with signage for the shops could be very helpful. He stated that of the 23 events the City sponsors, not one is held in Capistrano Beach. He mentioned the \$100,000 that

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is budgeted for sidewalk repairs; and felt that it would be nice if there were some repairs made in Capistrano Beach.

Robert Chavez, Capistrano Beach, spoke regarding the day laborer situation on Doheny Park Road. He felt that there should be a task force created to address this issue.

Helen Mahshi, co-owner of Second Hand Treasures, asked for something to be done with the day laborer situation on Doheny Park Road as well as for something to be done to beautify the area such as lights in the trees, sidewalks, and trolley stops.

Steve Stewart, Dana Point, stated that iHope was interested in working with the homeless task force as they feel that they have experience with working with the homeless in Capistrano Beach and their issues.

Mayor Bartlett recessed the meeting at 7:41 p.m. and reconvened the meeting at 7:53 p.m.

Alan Wickstrom, Dana Point, reported that the Monarch Beach Rotary turned 26 last month. He announced that the 22nd Annual Charity Golf Tournament was scheduled for March 31st and that Cox Business Solutions was the lead sponsor. He added that if anyone was interested in attending to go to www.monarchbeachrotary.com for more information.

PUBLIC HEARINGS

17. STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP)

Community Development Director Luna-Reynosa provided a staff report.

Council Member Schoeffel asked for an example where something like this may be useful.

Director Luna-Reynosa replied that this program could help finance the development impact fees that are assessed on projects.

Council Member Schoeffel asked what the success of this program throughout the state is.

Director Luna-Reynosa replied that she was not aware of any criticisms.

Council Member Schoeffel asked if they could defer the payment at close of escrow to the builder.

Director Luna-Reynosa replied that they do have to submit an application that is vetted by the entity that would be issuing the bonds to ensure that there is enough leverage.

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Council Member Schoeffel asked who administers the program.

Director Luna-Reynosa replied that it is the California Statewide Community Development Authority which is essentially a joint power authority between the California County Association and the League of California Cities.

There being no requests to speak on this item, Mayor Bartlett opened and closed the Public Hearing.

IT WAS MOVED BY MAYOR PRO TEM STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, CONDUCT A PUBLIC HEARING AND ADOPT RESOLUTIONS 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

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

City Manager Chotkevys provided an introduction of the item and City Architect Tilton provided an overview of the item.

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Mayor Bartlett opened the Public Hearing.

Danielle Plowman, Dana Point, stated that she was in favor of moving forward.

Mayor Bartlett closed the Public Hearing.

Mayor Pro Tem Weinberg stated that he supports this project.

IT WAS MOVED BY MAYOR PRO TEM STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, 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

- 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**

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City Manager Chotkevys provided a staff report.

Director of Public Works Fowler provided the detail of how the fees were determined.

City Manager Chotkevys stated that this is a reasonable and customary development fee and that the 3 Million dollars as mentioned in the report would be at build out. He added that staff cannot guarantee when the City will see this money.

Council Member Schoeffel asked if what the Council was being asked to do tonight was to establish a development impact fee in the hope that the City will be able to defray a small portion of it.

Director Fowler replied that he was correct.

Mayor Bartlett opened the Public Hearing.

Mike Balsalmo, Aliso Viejo, BIA representative, stated that they were thrilled with the progress that was occurring in the Lantern District. He cautioned the City Council that new development impact fees do not encourage an incentive for renewal on investment in an area. He added that they were hoping the City would commit to further studying the building height and consider higher building heights. He stated that they were supportive of modifying the outdated parking standards. He asked for a phased implementation of the fee, leaving the parcel assembly equation out of it.

Council Member Schoeffel asked what he meant by studying the building height and what would it take to satisfy the BIA that the City was exploring an option like that.

Mike Balsalmo replied that the building height is necessary to get projects of a size that will generate the potential for a developer to move forward. He stated that if you were able to get more bodies in a living area in a residential component that it would activate the retail that is existing today and hopefully attract more retail. He added that in areas that had a lower topography where views would not be damaged allow buildings of 65 feet with subterranean parking and that would help create a more urban feel.

Mayor Bartlett closed the Public Hearing.

Mayor Bartlett asked with regards to the proposed reduced fee structure; how does this fit with other coastal cities.

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Director Fowler replied that it was difficult to answer. He stated that no other City can compare on a linear foot.

Mayor Bartlett asked if the building height is changed would the amendment have to go to the Coastal Commission.

Director Fowler replied yes.

Mayor Bartlett asked if the parking plan would address Item 2 on the BIA letter.

Director Luna-Reynosa replied that it is the longer term efforts of the City changing the development standards for parking and looking at parking management in general. She stated that the parking in-lieu fee was for the interim while the City is waiting for Coastal Commission approval.

Mayor Pro Tem Weinberg asked if staff could estimate what the decrease of fees is going to cost the City.

Assistant City Manager Killebrew replied that the General Government Impact fee has been generating \$6,000 per year for the last 5-6 years, but the average since inception of the fee had been \$30,000. He stated that the Transportation Government Fee has been generating \$17,000, but that average had been \$70,000.

Mayor Weinberg asked what the phasing was going to cost the City in revenue.

Director Fowler replied that it would be difficult to estimate.

Assistant City Manager Killebrew provided an example of fees for a project on Del Prado.

Mayor Pro Tem Weinberg asked when the developer would realize the savings.

Director Fowler replied at the time of the building permit issuance.

Council Member Brough stated that the fee for the Pacific Coast Highway project and the Del Prado project are different. He asked how were the numbers were configured for Pacific Coast Highway and Del Prado.

Director Fowler replied that the project that was awarded for Pacific Coast Highway included a significant portion of Del Prado, so Phase II only includes 3 blocks on Del Prado, not 4.

Council Member Brough asked why not just have one fee for each street.

Director Fowler replied that there are lesser costs distributed on PCH and there are less improvements made on PCH.

Council Member Olvera asked how long the Psomas study has been available to the public.

Director Fowler replied 15 days.

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Council Member Olvera clarified that building height was not on the table.

City Manager Chotkevys replied that he was correct as that change would require an LCPA and staff would run a parallel track if the Council so directed.

Director Fowler clarified that when the City met with the BIA, the question of the building height came in subsequent to the study.

City Manager Chotkevys asked just for clarification, what was the BIA provided with to come up with their analysis and recommendations.

Director Fowler replied that they were provided the fee study.

Council Member Olvera asked if the City was providing a de-incentive to developers with higher fees.

Director Fowler replied that what staff has tried to show the Council is a balanced approach. He added that the City is enhancing the public property to enhance all of the Town Center.

Director Luna-Reynosa added that the City is rolling the dice and building the public improvements first and there are studies that indicate that if that is done you will get private sector return on investment. She stated that the City is consistently trying to incentivize development but at the same time receive a small portion back so we can continue to invest.

Council Member Olvera stated that he would like this item to return to the City Council with more clarity.

Mayor Bartlett stated that this was a good trade off the way the City was going to implement the fee and that she also liked the phased implementation that the BIA had suggested. She added that there was enough clarity for her and that she felt comfortable to move forward.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN H. WEINBERG, 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

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Mayor Lisa Bartlett

NOES: None

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN H. WEINBERG, 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 P. Brough and Carlos N. Olvera

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN H. WEINBERG, ADOPT **RESOLUTION 14-03-18-06** WITH THE ADDITION OF THE EARLY FEE REDUCTION SCHEDULED 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 N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: Council Member William P. Brough

UNFINISHED BUSINESS

There were no Unfinished Business items.

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NEW BUSINESS

20. TRANSPORTATION CORRIDOR AGENCY (TCA) UPDATE

Michael Kraman, Interim CEO of the TCA, provided an update on the Transportation Corridor Agency.

Council Member Brough stated that he had asked for this update due to the concerns with the Toll Road. He asked Mayor Bartlett to explain why her colleagues stripped her of power.

Mayor Bartlett replied that it really was not a strip of power that the Board had agreed to rescind a Resolution from 2008.

Mayor Bartlett opened public comments.

Craig Alexander, Dana Point, stated that he was concerned about the current representation of our City by Mayor Bartlett on the Foothill/Eastern Transportation Corridor Agency Board of Directors for which she has been chairperson for about one year. He spoke of the contract extensions and increases if under \$25,000 that had been approved without Board approval. He felt that Mayor Bartlett should be replaced by the City as the representative on the Board.

Mayor Bartlett closed the public comments.

Mayor Pro Tem Weinberg felt that what was read in the press is meant to sell newspapers. He stated that he saw no reason to remove Mayor Bartlett from the Board as Dana Point's representative.

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

City Attorney Munoz stated that in Closed Session this evening, the City Council had approved filing an amicus brief in a matter involving the California Regional Water Quality Control Board of the San Diego Region in some on-going state mandated litigation.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Brough reported that he had attended the following:

February 21 - Mathnasium opening in Monarch Bay Plaza

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February 26 - An impromptu fundraiser at Luxe to raise money for a karaoke machine for the SOCSA students

March 14 - Staff meeting at City Hall to discuss the homeless task force

March 17 - Eagle Scout JonErik Moyles flag ceremony at the Nature Interpretative Center and that evening the American Legion Post 281 meeting at Aventura in the Dana Point Harbor

Council Member Olvera reported that he had attended the following:

February 20 - Festival of Whales last preparation meeting and that evening the Chamber of Commerce Mixer

February 21 - Ribbon cutting in Monarch Beach Plaza for Mathnasium

February 27 - Lantern District working group, OCFA Board Meeting

February 28 - Festival of Whales last organization meeting

March 13 - Camp Pendleton preparation for a training session and the Chamber of Commerce's Doheny Business Meeting

March 17 - Flag raising ceremony for the Eagle project at the Nature Interpretative Center

He spoke regarding the letter received from Mr. Johannes on the Lantern District item. He stated that the letter did not actually contain any questions, only statements.

Council Member Schoeffel stated that he had turned in his list of meetings attended to City Clerk. He felt that the March 7th and 8th Dana Point Symphony performance was spectacular. He announced that the Symphony's next performance will be on March 29th with the Oxford Boys Choir from Christ Church England. He stated that the Whale of a Concert really delivered.

Mayor Pro Tem Weinberg stated that he had turned in his list of meetings attended to the City Clerk.

Mayor Bartlett announced that she had attended the following:

Several Transportation Corridor Agency meetings and met with legislators in Sacramento and Washington, D.C.

February 21 - Mathnasium Ribbon Cutting Ceremony

February 22 - San Clemente Friends of the Library event at the Laguna Cliffs Marriott

February 28 - Festival of Whales VIP kickoff event

March 1 - Age Well Senior Services Captain's Ball

March 2 - 11th Annual Opera Celebration for SOCSA

March 7 - First reader for the reading of *Two Years Before the Mast* at the Dana Point Nature Interpretative Center

March 8 - Guest judge in the Fish for Life Clam Chowder Cook Off

March 9 - Attended and provided welcome remarks for the concert on Baby Beach

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March 11 - Ocean Institute Board of Directors meeting
March 14 - Orange Coast Christian Outreach Mayors' Prayer Breakfast
March 17 - Ceremony at the Nature Interpretive Center to honor Eagle Scout JonErik Moyles for his project of raising funds to purchase and install a flagpole at the center, and participated in Senior Meals on Wheels ride along that morning
March 18 - Welcome remarks to the Alliance of California Judges at their conference at the Laguna Cliffs Marriott

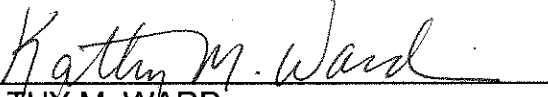
She announced the following upcoming events:

March 21 - Annual Senior Summit hosted by Supervisor Pat Bates
April 19 - Easter Egg hunts in both Pines Park and Sea Canyon Park
April 25 - Dana Point Symphony Concert
April 29 - Dana Point State of the City event at the St. Regis

She announced that the third quarter sales tax is up substantially for restaurants, hotels, and business for Dana Point. She announced that the City has some new exhibits at the Nature Interpretive Center which include a Juaneno Indian cultural station, an interactive coastal sage scrub diorama, an interactive San Juan Creek watershed model, an interactive renewable energy station, and an interactive ecological change display.

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.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF APRIL 15, 2014

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Meetings attended since February 18, 2014:

Mayor Pro Tem Steven Weinberg

February 21	Ribbon Cutting for Grand Opening of Mathnasium
February 23-26	OCFA Trip to Washington DC to meet with legislators
February 24	OCFA Board meeting OCFA Executive Committee meeting
February 28	Festival of Whales Opening Reception
March 7	Policy Level Discussion and Developmental Impact Fees
March 12	OCFA Budget and Finance Committee Meeting
March 13	OCFA Special Board meeting
March 17	Flag Ceremony with Eagle Scout JonErik Moyles and 1st Lt. Alexander Morrow from the 5th

Council Member Scott Schoeffel

February 20	Orange County Business Council annual dinner in Irvine
February 26	Special joint meeting of the San Joaquin Hills Transportation Corridor Agency Board of Directors and the Foothill Eastern Transportation Corridor Agency Board of Directors
February 28	First night of the 2014 Jazz Festival at the Ocean Institute
March 1	Second night of the 2014 Jazz Festival at the Ocean Institute
March 2	VFW Pancake Breakfast at the Festival of Whales Underwriting dinner for South Orange County School of the Arts Opera Night at Brio
March 3	Meeting of the joint procurement ad hoc committee of the San Joaquin Hills Transportation Corridor Agency Board of Directors
March 7	Opening performance of Dana Point Symphony Orchestra's "Symphony Spectacular" on the Pilgrim in Dana Point Harbor
March 8	Participated as reader in the public reading of <i>Two Years Before the Mast</i> , sponsored by the Dana Point Historical Society. Reception for Dana Point Symphony Orchestra musicians and performers
March 9	Performed music in the Whale of a Concert event of the Festival of Whales
March 12	Performed in the South Orange County's Got Talent event at the Coach House sponsored by the South Orange County Chamber of Commerce and South Orange County Economic Development Coalition
March 13	Special joint meeting of the San Joaquin Hills Transportation Corridor Agency Board of Directors and the Foothill Eastern Transportation Corridor Agency Board of Directors.

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March 15 Attend San Joaquin Hills Transportation Corridor Agency Board of
Directors meeting
Performed music at the City's Senior St. Patrick's Day lunch at the
Dana Point Community Center