
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 15, 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 5:01 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor 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 5:10 p.m.*)

Absent: None

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;

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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.

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

Community Development Director Luna-Reynosa provided a PowerPoint presentation. She reported that EZ Green Bikes is family owned business and had opened in 2009. She added that they sell bikes, provide rentals, service and maintenance and conversion kits. Mayor Bartlett presented a Certificate of Recognition to Robbie Villanueva for EZ Green Bikes being selected at the Business of the Month, April 2014. Lauralyn Loynes representing the Chamber of Commerce presented Mr. Villanueva with a marketing membership.

Employee of the Month - Robert Sedita

Community Development Director Luna-Reynosa provided an introduction of Robert Sedita. She stated that Robert has all of the qualities of good customer service. Christy Teague provided a summary of the items that Robert has accomplished for the City. Mayor Bartlett presented Robert with a Certificate of Recognition for being selected as the Employee of the Month, April 2014.

Deputy of the Year - Deputy Brian Hall

Lt. Koehmstedt provided background on Deputy Hall. He stated that Deputy Hall had joined the Sheriff's Department in 1986 and has worked in Dana Point since 2003. He added that Deputy Hall was a Field Training officer for other motor deputies. He stated that Deputy Hall was voted Deputy of the Year by his peers. Lt. Koehmstedt presented Deputy Hall with a plaque and Mayor Bartlett presented a Certificate of Recognition to Brian for his honor of being selected Deputy of the Year for 2013.

Recognition - Lt. Lynn Koehmstedt

Sgt. Irish provided comments regarding Lt. Koehmstedt. He presented Lt. Koehmstedt with a plaque for his service to the City.

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CONSENT CALENDAR

Council Member Brough removed Items 9 and 10; Council Member Olvera removed Item 11; and a member of the public removed Item 17 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY MAYOR PRO TEM STEVEN H. WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON 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

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.

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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 STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO 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:

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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

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.

Council Member Brough felt that the information on page 2 of the staff report was a direct reflection on the Council's commitment to the Town Center.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO APPROVE A CONTRACT AMENDMENT WITH ATKINS FOR ADDITIONAL SERVICES FOR AS-NEEDED PUBLIC WORKS PLAN CHECKING SERVICES; APPROVE 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

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.

City Manager Chotkevys provided a summary of the item.

Community Development Director Luna-Reynosa added that there has been a re-phasing of the project and environmental issues that needed additional technical studies.

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IT WAS MOVED BY COUNCIL MEMBER CARLOS N. OLVERA, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO 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 H. Weinberg

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

RECEIVED AND FILED THE TROLLEY UPDATE REPORT AND AUTHORIZED THE CITY MANAGEMENT TO SUBMIT A 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

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

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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 had removed this item from the Consent Calendar.

Mayor Bartlett opened the public comments.

Richard Gardner, Capistrano Beach, stated that he wanted to understand how the homeless committee was selected. He added that he supports the effort and had personally tried to support the effort in Capistrano Beach. He felt that the task force should have someone on the task force that is familiar with the homeless in Capistrano Beach and he offered his services.

Mayor Bartlett closed the public comments.

IT WAS MOVED BY MAYOR PRO TEM STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM P. BROUGH, TO INITIATE A HOMELESS TASK FORCE, APPOINT COUNCIL MEMBER BROUGH AS THE CITY COUNCIL REPRESENTATIVE, 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

PUBLIC COMMENTS

Nancy Weagley, Capistrano Beach, spoke regarding the materials she had submitted for the City Council's review. She asked for the Municipal Code to be

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revised to allow residents to have up to 6 chickens providing they could be located a minimum of 25 feet from surrounding residences. She stated that there are other cities that have allowed chickens.

Diane Droley, Dana Point, spoke regarding the Easter Seals program. She introduced Patrice Martin as the chair of the Dreammakers committee and stated that their goal was to raise \$30,000 for the event in November. Patrice announced that on May 17th at the OC Sailing Events Center there would be a fundraising event held from 11-4 p.m. including a silent auction, live auction, dollar a dip and arts and crafts faire. She stated that everyone was invited all to attend.

Paul Simonds, Southern California Gas Company representative, introduced himself as the area's new representative.

Joanne Christman, Dana Point, spoke regarding Blue Lantern and how she feels that the street is dangerous. She stated that would like speed bumps and more street lights.

John Tomlinson, Capistrano Beach, stated that he supports Mrs. Weagley being able to keep her chickens. He urged an amendment of the Ordinance and provided a model Ordinance that was used in Laguna Beach. He asked the City Council to consider a stay for her to keep her chickens past April 25.

Bob Theel, Dana Point, spoke regarding the Doheny Dana Point Hotel project and the Planning Commission hearing. He stated that the development team is going to address the challenges of the project and resubmit a project that both the citizens and City Council would be proud of. He thanked staff for the time that they have spent on the project.

Alan Wickstrom, Dana Point, President of the Monarch Beach Sunrise Rotary Club, thanked the City Council for participating and helping out with the Club. He announced that the golf tournament was a very successful fundraiser which raised over \$20,000. He stated that they were offering pancakes at the egg hunts for \$6 per person. He added that at the rotary club meeting tomorrow at 7:15 a.m. at the Marriott Laguna Cliffs the guest speaker is Hollywood cinematographer John Stevens.

Lauralyn Loynes, Capistrano Beach, Chair of Dana Point Chamber of Commerce, submitted a letter of support on the following four issues: 1). Lantern District communication, encouraged the City Council to move forward with lights, and fully fund Phase 2, 2). urged the adoption of the Lantern District fee, 3). thanked city staff and Council for the concern and interest in the Doheny Village businesses, and 4). would like the City to move forward with the homeless task force.

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Terry Rifkin, Dana Point, thanked the City Council and the City for all of the enormous support of the 5th Marine Regiment Support Group over the years. She stated that their mission has shifted to include wounded heroes. She reported that in January the support group sent 6 wounded warriors and family members to participate in a disabled program at Mammoth Mountain. She added that in March, the support group took part in Wounded Warrior Trials which allowed wounded warriors to participate in many different sports and the support group fed lunch to the athletes. She announced that they were holding a golf tournament on June 2.

Brandon Phillips, Dana Point, spoke regarding the need for a skate park in Dana Point and asked for a skate park to be addressed on a future agenda.

Chad George, Capistrano Beach, spoke regarding chickens. He played a recording of the noise from the chickens from his bedroom window.

Karen George, Capistrano Beach, stated that they had a great relationship with the Weagleys for the past 17 years until they brought in the chickens a year ago. She added that the chickens were kept 12 feet from their bedroom. She asked the City Council to enforce the Code and require the Weagleys to remove the chickens.

PUBLIC HEARINGS

There were no Public Hearing items.

UNFINISHED BUSINESS

18. 2014 ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS

City Manager Chotkevys provided a staff report.

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

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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

NEW BUSINESS

19. NIGUEL BEACH TERRACE SHORT-TERM RENTAL COMPLIANCE

City Manager Chotkevys provided a staff report.

City Attorney Munoz stated that the correspondence received by staff on this item had been forwarded to the City Council.

Mayor Bartlett opened the Public Comments.

Frank Rose, Dana Point, stated that he opposed an extension for Niguel Beach Terrace for short term rentals. He added that he had no problems with long term renters, but short term rentals were putting a load on the facility.

Rick Michaels, Dana Point, stated that he supports an extension of time for Niguel Beach Terrace.

Jim Copenhaver, Dana Point, stated that he does not support an extension of time for Niguel Beach Terrace.

Alton Frazier, Murrieta, stated that he supports an extension of time for Niguel Beach Terrace.

Jeri Silva, Dana Point, stated that she supports an extension for Niguel Beach Terrace.

Ann Herlihy, Dana Point, stated that she supports an extension of time for Niguel Beach Terrace. She added that she was speaking for Jason Coloco who couldn't attend the meeting tonight and read his letter of support for the Council.

Cynthia Carol, Dana Point, asked for an extension until the end of the year to allow Niguel Beach Terrace to amend their CC&R's. She provided a summary of the items that they have done to amend their CC&R's.

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Dominique Hines, Dana Point, stated that she does not support an extension of time for Niguel Beach Terrace. She reported that the association has not initiated a ballot for a vote.

Walt Sorrell, Dana Point, stated that he opposed granting an extension of time for changing the CC&R's. He felt that the grace period was squandered instead of scheduling a vote on the matter. He added that there should be penalties for operating vacation rentals without a permit; and he was curious as to what penalties would be levied if the CC&R's are not amended.

Ken King, Dana Point, stated that he opposed an extension of time as he felt that the vacation owners waited until the last minute to process an amendment for homeowners to vote on.

Dr. Phil Littell, Dana Point, stated that he opposed an extension of time for Niguel Beach Terrace short term rentals and urged the Council to punish the violators if they continue to ignore the City's Code.

Kay Strate, Dana Point, stated that she did not support an extension of the deadline for short term rentals in Niguel Beach Terrace.

Mike McKnight, Dana Point, stated that he did not support an extension of time for short term rentals.

Joanie McKnight, Dana Point, stated that she opposes an extension of time for short term rentals in Niguel Beach Terrace.

Tim Hines, Dana Point, stated that he does not support short term rentals in Niguel Beach Terrace.

Elena Olivieri, Dana Point, stated that she opposed an extension of time for short term rentals in Niguel Beach Terrace. She felt that the CC&R's needed to be enforced rather than changed.

Scott Peterson, Laguna Niguel, stated that he has owned in Niguel Beach Terrace for 29 years, operating a short term rental for the last 8 years. He added that he did not agree that all of the problems were being caused by the short term rentals. He stated that he supported an extension of time to allow them to amend their CC&R's and provided a summary of what they have done to date.

Steve Randall, San Clemente, stated that he supports the extension of time for the CC&R's to be amended and that he was asking for more time for the democratic process.

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Corine Conklin, Laguna Beach, stated that she was in support of an extension to December, 2014. She added that she had never received the notice from the City.

Michael Hardy, Newport Beach, stated that he has been a homeowner since 2005 and has operated a short term rental since 2008. He asked for an extension of time to allow for the amendment process to be accomplished.

Dr. Lino Valdivia, Dana Point, stated that he had invested his savings in property in Niguel Beach Terrace. He asked for an extension of time to allow the owners to process an amendment to the CC&R's.

Mayor Bartlett closed Public Comments.

Council Member Schoeffel proposed as of tomorrow there should be no more booking of vacation rentals without a duly issued permit. He felt that an extension to the end of year was not reasonable, but September 1st would be more reasonable.

Council Member Brough felt that not enforcing the rules had gotten the Council to this place. He commended the City Council for siding with the private property rights and left it up to HOA's to allow or disallow the use. He stated that he does not think this is the end and will not keep Niguel Beach Terrace from changing the CC&R's. He added that the Council has been accommodating. He felt that the City should enforce the rules and allow no more bookings.

Mayor Pro Tem Weinberg asked City Attorney Munoz how long it takes to amend CC&R's and what would be a reasonable timeframe to accomplish this.

City Attorney Munoz replied that in his opinion 90 days was a reasonable amount of time which is the amount of time staff had allowed once the letters went out.

Mayor Pro Tem Weinberg asked how the City did a mailing to the owners.

City Attorney Munoz replied that the notifications that staff sent out, the information was taken from the Assessor parcel rolls.

Mayor Pro Tem Weinberg asked if they had the same list.

City Attorney Munoz replied that it is the standard practice of public agencies to use the Assessor parcel rolls.

City Manager Chotkevys added that if they get a property tax bill, then they would have received a letter.

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Mayor Pro Tem Weinberg stated that he supports Council Member Schoeffel's proposal of no more bookings until this is rectified, and proposed an extension to July 1st. He felt that the owners needed time to notify their customers.

Council Member Olvera stated that he did not believe that more time was really going to be helpful. He added that he likes the idea of not allowing any more bookings.

Mayor Bartlett stated that she understands that it is going to take a little time to reach all of the owners. She suggested a hard and fixed date of September 15th as an extension with no more bookings allowed.

City Attorney Munoz stated that if Council were to go forward with this idea, they need to direct staff to create a temporary rental agreement and everyone needs to comply with all of the rules with a list of current bookings. He suggested that people only be given one of the temporary permits if they acknowledge that the California Coastal Commission is still looking at this issue and that they are not being granted an entitlement.

Director Luna-Reynosa stated that there would need to be a collection of Transient Occupancy Tax during the interim permit. She asked for clarification on bookings.

City Attorney Munoz replied that there would be no new bookings, their property can only be used for the existing bookings.

Council Member Brough suggested a compromise extension date of August 1st.

City Attorney Munoz suggested that the application for the permit be submitted by a certain date along with all bookings that currently exist.

Mayor Pro Tem Weinberg stated that all bookings that have been scheduled must meet our Code and that the standard fee and inspection shall still apply.

City Attorney Munoz stated that the process requires that it needs to be consistent.

Council Member Schoeffel summarized that the application for the temporary permit would need to adhere to the existing Ordinance with no more bookings after today's date. He added that he would support the compromise date of August 1st.

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

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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 SPECIALLY 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

Mayor Bartlett recessed the meeting at 8:36 p.m. and reconvened at 8:50 p.m.

20. LANTERN DISTRICT ENTRY FEATURE

City Manager Chotkevys provided an introduction and Director of Public Works and Engineering Fowler provided a summary of the item.

City Manager Chotkevys asked if this element would be put in the bid package as an option.

Director Fowler replied that was correct.

Mayor Bartlett opened the Public Comments.

Terry Walsh, Dana Point, asked the City Council to reconsider putting the entry feature at the north end of town. He spoke of the previous Town Center group and how the meetings were open to the public.

Carl Iverson, Capistrano Beach, stated that the proposed entry feature for the north end of the Lantern District has been rushed and does not feel that it needs to be built. He asked why there was limited public input on this element.

Rod Howorth, Dana Point, stated that he was concerned about the process and conflict of interest issue. He added that he was opposed to the arch over Del Prado.

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Karin Schnell, Dana Point, stated that the process was in place through its Art in Public Places Ordinance to allow the Arts and Culture Commission to review and evaluate any sort of design or aesthetic component.

Herb Hueg, Dana Point, suggested that the City Council table this item and get more public discussion. He felt that the street did not need any more distractions for the drivers.

Barbara Johannes, Dana Point, felt that the up coast entry feature will divide the Town Center into two parts. She stated that there needs to be a better way of announcing the Lantern District entrance into Dana Point. She did not feel that the proposed arch is pedestrian oriented.

Keith Johannes, Dana Point, stated that the entry feature should have been on the regular agenda. He was concerned that a proposed 500 thousand dollar archway is going to get people to go down Del Prado. He felt that the plan should work around the cultural historical features and keep the character of town.

Bill Shepherd, Dana Point, stated that there were three issues; cohesiveness of the design, open process is needed, and sectioning off the couplet is a fragmentation. He felt that by calling the area The District has marketing ramifications and will not be beneficial.

Kirsten Reynolds, Dana Point, stated that it is important to create strong linkages throughout Town Center.

Mayor Bartlett closed Public Comments.

Council Member Brough asked why the City Council was bringing back an item that was approved at the last meeting.

Council Member Schoeffel replied that people had petitioned the Council for reconsideration. He stated that the goal this evening was to see if the request has merit and if it does what should be determined going forward. He added that it was not uncommon to reconsider decisions. He stated that this was a significant design feature of the project and would like to see what the people have to say about this.

Council Member Brough stated that there has never been an action item that has returned to Council. He felt that they were setting dangerous precedent.

Mayor Bartlett replied that is why we want to revisit. She stated that the City want to be careful and do it right.

Mayor Pro Tem Weinberg stated that when he set up this group when he was Mayor it was comprised of businessman Jorge Luhan, the Chamber of Commerce, Thirtieth Street Architects, Majestic, Carlos Olvera and myself. He felt

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that the City needs to have something announcing on the up coast side. He added that there are physical constraints and a bridge is not feasible. He stated that this discussion began on December 13 when Town Center was changed to the Lantern District and it has been on the agenda at least 3 times not counting today. He added that no one from the Historical Society had ever contacted him to be on the working group. He stated that whatever is done on Del Prado needs to go in now.

Council Member Brough stated there is opportunity for the Historical Society and Arts and Culture Commission to design the bulb out as part of the entry to Del Prado.

Mayor Bartlett stated that she thought one of the options was to put something in the median.

Council Member Brough moved the item for approval as the Council had the last time and Mayor Pro Tem Weinberg seconded.

Mayor Pro Tem Weinberg suggested the City pour the footers now.

Director Fowler stated that the plan given Council's approval to move ahead was to pour the footers while area is torn up.

Mayor Pro Tem Weinberg made a substitute motion, that the Council approve the item with a caveat that they put together a larger group to see what the arch will look like, but still pour the footers. He stated that if there are better designs or ideas on what should be on the arch then Council could make a decision on those.

City Manager Chotkevys stated that the City is 90% complete on the drawings for the arch based on the last action and Public Works is ready to pour the foundation for that arch. He asked for clarification from Mayor Pro Tem Weinberg; is it his idea to have a larger group redesign the existing arch that was approved.

Mayor Pro Tem Weinberg replied yes, that the arch is there but if people think they can make it prettier, then they will have that opportunity.

Mayor Bartlett stated that it was not a matter of making it prettier, but the matter of announcing the entrance into our Town Center from both Del Prado and Pacific Coast Highway.

Mayor Pro Tem Weinberg stated that the problem is making people aware that there are businesses on Del Prado.

Director Fowler replied that from a timing standpoint if you want to get this project into the design documents we are on schedule for the bid package in June, but changing the design now could make that process not work.

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City Manager Chotkevys stated that the City was 90% complete with drawings. He added that when entire bid package goes out and returns, Council can decide to choose what they want to do or not want to do.

Mayor Bartlett stated that she was concerned driving south, how people will know about businesses on Pacific Coast Highway if everyone is channeled down Del Prado.

Mayor Pro Tem Weinberg stated that his concern was that Del Prado won't get any of the traffic that it will all go down Pacific Coast Highway.

Director Fowler stated that on the original advisory committee there were business people there that were pleading for the traffic to go on Del Prado. He added that the reason that Boris had suggested the archway as the entry feature is he realized that would be the case.

Mayor Bartlett suggested that as an alternative have a marquee in the center median.

Director Fowler replied that if there was something in the center, you would completely block the historic building.

Director Luna-Reynosa stated that there will be opportunities to do what the Mayor is suggesting through a way-finding program.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY MAYOR PRO TEM STEVEN H. WEINBERG, 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 J. Scott Schoeffel, and Mayor Lisa A. Bartlett

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys announced that this was Ursula's one year anniversary of working for the City of Dana Point. He welcomed Russ Chilton and added that he was pleased that he had another Department Head who lived in town.

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COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Olvera reported that he had attended the following:

- March 20 - Festival of Whales committee preparation opening, ribbon cutting for OC Divorce Coach, Chamber Mixer
- March 21 - Ribbon cutting for Nobis preschool, Dana Point Civic Association Coffee Chat
- March 27 - Festival of Whales recap
- March 28 - South Orange County Economic Coalition
- April 7 - Capistrano Boys and Girls Club tour
- April 9 - Moulton Niguel Water District Community Advisory Committee
- April 10 - Farewell to Lt. Koehmstedt
- April 11 - Ribbon cutting at the Doheny State Park Visitors Center

Council Member Brough reported that he had attended the following:

- April 1 - Homeless meeting at City Hall
- April 7 - American Legion Post #281 meeting at Aventura
- April 10 - Lt. Koehmstedt's farewell party
- April 11 - Ribbon cutting at Doheny Interpretive Center
- April 12 - Rob Jones a former Marine ended his 5,000 mile bicycle ride from Maine to Camp Pendleton and the Doubletree hosted the event and the Saddleback College Gala at Laguna Cliffs Marriott

Council Member Schoeffel stated that he will turn in his list of meetings attended to the City Clerk. He reported that April 25th will be the 3rd performance of the season for the Dana Point Symphony. He added that he was sponsoring the concert and he hoped that everyone would join him.

Mayor Pro Tem Weinberg stated that he will turn in list of meetings attended to the City Clerk. He announced that the Dana Point Grand Prix is May 4th and felt that the greatest events were the kid's races.

Mayor Bartlett reported that she had attended the following:

- Several Transportation Corridor Agency meetings and a Southern California Association of Governments meeting
- March 19 - OCTA long range transportation planning meeting and ribbon cutting ceremony for the OC Divorce Coach
- March 21 - OC Senior Summit and the ribbon cutting for Nobis Preschool
- March 22 - SOCSA Opera Gala
- March 25 - Southern California Edison Community Engagement panel in San Clemente
- April 9 - Stillwater anniversary event

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April 10 - Farewell for Lt. Koehmstedt

April 11 - Re-opening ribbon cutting for Doheny State Beach Interpretive Center

April 12 - Woodie Car awards event and presented the Mayor's trophy and the event for Rob Jones at the Laguna Cliffs Marriott

She announced the following future events:

April 19 - Easter egg hunts in both Pines Park and Sea Canyon Park

April 22 - Earth Day and there are a number of events scheduled

April 25 - Dana Point Symphony concert and two day California Wine Festival

April 29 - Dana Point State of the City event at the St. Regis

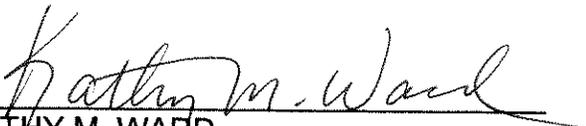
May 4 - Dana Point Grand Prix

May 14 - American Veterans Tribute in Sea Terrace Park

May 17 and 18 - Doheny Blues Festival

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 held on May 20, 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 MAY 20, 2014

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Meetings attended since March 18, 2014:

Mayor Lisa Bartlett

March 28 Meeting with Family Ministries.
April 6 Wrap up celebration event for the Dana Point Historical Society's
Two Years before the Mast reading.

Mayor Pro Tem Steven Weinberg

March 20 Vector Control Budget and Finance
Vector Control Board of Directors
March 21 Ribbon Cutting for Nobis Preschool
March 27 Vector Control Budget and Finance
OCFA Claim Committee
OCFA Board meeting
OCFA Executive Committee meeting
April 9 OCFA Budget and Finance Committee Meeting
April 10 Farewell Party for Lt. Lynn Koehmstedt
April 14 OCFA Exec Committee Special

Council Member Scott Schoeffel

March 19 Pre-meeting for the strategic planning ad hoc committee of the San
Joaquin Hills Transportation Corridor Agency Board of Directors.
March 22 South Orange County School of the Arts opera gala ("An
Enchanted Evening") at SOKA University.
March 26 Joint procurement ad hoc committee of the San Joaquin Hills and
Foothill Eastern Transportation Corridor Agencies.
Meeting of the strategic planning ad hoc committee of the San
Joaquin Hills Transportation Corridor Agency Board of Directors.
March 29 Performance of the Dana Point Symphony Orchestra with the
Christ Church Cathedral Choir from Oxford, England at St. Edward
the Confessor Catholic Church.
April 2 Meeting of the joint legislative ad hoc committee of the San Joaquin
Hills and Foothill Eastern Transportation Corridor Agencies.
April 6 Performed music at a Dana Point Historical Society event
celebrating the reading of *Two Years Before the Mast* at the
Festival of Whales.
April 9 Meeting of the joint compensation ad hoc committee of the San
Joaquin Hills and Foothill Eastern Transportation Corridor
Agencies.

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- April 10 Special joint meeting of the San Joaquin Hills Transportation Corridor Agency Board of Directors and the Foothill Eastern Transportation Corridor Agency Board of Directors.
San Joaquin Hills Transportation Corridor Agency Board of Directors meeting.
- April 12 Farewell party for Lt. Lynn Koehmstedt at Brio Tuscany Grille.
Event at the Doubletree Hilton in support of the Rob Jones (USMC) cross-country bike ride.
- April 14 Board meeting of the Coastal Animal Services Authority in San Clemente.