

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JUNE 17, 2014
5:00 P.M.**

MINUTES

Location: Dana Point Community Center, 34052 Del Obispo Street, Dana Point, California 92629

Next City Council Ordinance No. 14-04

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 5:00 p.m. in the Dana Point Community Center, 34052 Del Obispo Street, 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

CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(1) (2 cases)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 33422 Ocean Hill Drive; APN 673-301-17
Agency Negotiator: City Manager
Negotiating Parties: City of Dana Point and Verizon
Under Negotiation: Price and terms of agreement relating to property

Mayor Bartlett recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:09 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; Brad Fowler, Director of Public Works and Engineering; Kevin Evans, Director of Community Services; John Tilton, City Architect; Mark Sutton, Building Official; Robert Sedita, Management Analyst; 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 OCFA Chaplain Jeff Hetschel.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Peking Dragon

Management Analyst Sedita provided a PowerPoint presentation regarding the Peking Dragon. He reported that Peking Dragon opened in Dana Point 1985 and that they specialize in Mandarin Szechuan cuisine. Mayor Bartlett presented Shane Chou with a Certificate of Recognition in honor of the Peking Dragon being selected the Business of the Month for June 2014. Heather Johnston the CEO of the Dana Point Chamber presented Mr. Chou with a plaque and certificates for marketing.

Employee of the Month – Kolleen Wallace

Director of Community Services and Parks Evans provided background on Kolleen. He reported that Kolleen has worked for the City since 2005 and that she is the recreation coordinator that handles over 100 classes offered each year. Mayor Bartlett presented Kolleen with a Certificate of Recognition for her honor of being selected Employee of the Month for June 2014.

Youth Board Recognition

Management Analyst Sedita provided comments regarding outgoing Youth Board Members Bryce Dec, Julie Lisle and Alena Powers Davis. Mayor Bartlett presented each with a Certificate recognizing them for their service on the Youth Board.

CONSENT CALENDAR

Members of the Public removed Items 15 and 16. Mayor Pro Tem Weinberg removed Item 20.

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 15,16, AND 20.

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, MAY 20, 2014

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 12, 2014

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 9, 2014

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, MAY 1, 2014

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, MAY 15, 2014

RECEIVED AND FILED.

7. ARTS AND CULTURE COMMISSION MINUTES, JANUARY 15, 2014

RECEIVED AND FILED.

8. INVESTMENT REVIEW COMMITTEE ACTION MINUTES, APRIL 22, 2014

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, MAY 2014

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

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. 2014-2015 LAW ENFORCEMENT SERVICES AGREEMENT

APPROVED THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2014-2015 FISCAL YEAR AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

13. APPROVAL OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2014-15 THROUGH FISCAL YEAR 2020-21 AND AUTHORIZATION TO FORWARD RENEWED MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY

ADOPTED RESOLUTION 14-06-17-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING CONFORMANCE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN AND ADOPTION OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY 2014-15 THROUGH FY 2020-21 AS REQUIRED BY THE OCTA RENEWED MEASURE M (M2) PROGRAM; and

AUTHORIZED THE DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES TO FORWARD THE NECESSARY RENEWED MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY.

14. CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014 TO FILL THREE CITY COUNCIL SEATS

ADOPTED THE FOLLOWING:

RESOLUTION 14-06-17-02 ENTITLED:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and

RESOLUTION 14-06-17-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO

CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and

RESOLUTION 14-06-17-04 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014.

15. FISCAL YEAR 2014-2015 BUDGET UPDATE AND RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2014-2015

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

City Manager Chotkevys introduced the item and Assistant City Manager Killebrew provided a staff report.

Mayor Bartlett opened the Public Comments.

Patti Short, Dana Point, asked the City Council to approve the budget to fund the Town Center.

Mike Powers, Dana Point, felt that the Town Center project needed to be fully funded before contractors would bid and urged the City Council to identify the money required to move forward.

Betty Hill, Capistrano Beach, suggested that the City Council let the residents and the newly elected Council Members decide the timing for funding of Del Prado.

Lester Hill, Capistrano Beach, spoke of the seemingly lack of interest from developers in the Town Center. He mentioned private projects that seemed to have stalled.

Harold Kaufman, Dana Point, stated that the budget holds no funds for Del Prado and felt that it was crucial that funds be identified for the project.

Cindy Monroe, Dana Point, stated that she was concerned that her business on Del Prado would suffer because of construction delays if the Town Center was not funded.

Jimmy Khadivi, Dana Point, read a letter on behalf of a number of Town Center businesses who felt that their businesses would be affected if the project was not completed. He asked the City Council to approve the budget to fund the project.

Nancy Wallace, Dana Point, felt that the City should evaluate Phase I before starting Phase II. She stated that the past City Councils have been prudent to keep a strong emergency operating reserve and felt that we should follow that precedent. She asked the Council to not rush into hasty development of Phase II and recommended that they wait until there is positive financial growth from Phase I before moving forward.

Alan Wickstrom, Dana Point, asked the City Council to fully fund Phase II of the Lantern District project and stated that he was concerned that the funding had not been identified in the budget.

Jim Miller, Dana Point, stated that investors would not commit until the City finishes the project. He felt that the Town Center was a good investment for the City.

Bob Theel, Dana Point, asked the City Council to appropriate the money that has already been identified in the seven year Capital Improvement Program to complete the Del Prado street improvements.

Jorge Luhan, Dana Point, asked the City Council to fully fund the Lantern District.

Wayne Rayfield, Dana Point, asked the City Council to move forward on the Town Center. He stated that this was more than a cost, it was an investment.

Mayor Bartlett closed the Public Comments.

Council Member Brough stated that he would like to make a motion to amend the budget item to request the following funds be transferred to a new Town Center/Del Prado fund; 1.4 million from Undesignated Funds, 2.5 million from Capital Improvement Projects, 3.6 million proceeds from Via Canon, and 1.475 million in the State Impact Fund. He added that moving the funds would provide 9 million for the project. He asked that the Investment Review Committee create a plan where any surplus revenue that is received by the City is placed back into those funds.

Council Member Schoeffel asked if the funds were transferred as Council Member Brough suggested, what would the City have left.

Assistant City Manager Killebrew replied that the City would have emergency reserve and cash flow reserve.

Council Member Schoeffel asked for an explanation of what the cash flow reserve was.

Assistant City Manager Killebrew replied that the cash flow reserve allows the City to cover the monthly differences between the City's revenues and expenditures.

Council Member Schoeffel asked what the legislative intent in providing a minimum of 2.5 million in the Capital Project Sinking Fund.

Assistant City Manager Killebrew replied that he did not know the reason for the minimum, but that the purpose of the fund was for the replacement various capital assets.

City Manager Chotkevys stated that the engineering estimate is 7.7 million. He suggested that if the Council so desires, that they should fund at the 7.7 million and not 9 million. He asked Assistant City Manager Killebrew what the approach would be if the Council were to fund the 7.7 million.

Assistant City Manager Killebrew replied that he would recommend using the CIP Sinking Fund of 2.5 million, State Impact Reserves of 1.475 million, and the balance from the Undesignated Fund balance.

Mayor Pro Tem Weinberg stated that he would support the motion if amended to fund the 7.7 million.

Council Member Brough stated that he would amend his motion to create a new Town Center/Del Prado fund moving the money 1.475 million from State Budget Impact, 2.5 from the Capital Improve Projects, and 3.725 from the Undesignated Fund balance.

Mayor Pro Tem Weinberg stated that he would agree that Phase I would not work without Phase II. He added that he supports funding the project.

City Manager Chotkevys stated that for clarification, that we not create a new fund, but create a line item within the existing CIP fund and call it Town Center Phase II. He asked if there was still a direction to the Investment Review Committee to create a repayment policy for Council consideration for future year's surplus.

Council Member Brough stated that yes he did still want a five year savings plan for any surplus revenue.

Council Member Schoeffel asked if the alternative will put the City at all-time low levels of reserves.

Assistant City Manager Killebrew replied that it would be the lowest that the Undesignated Reserves had ever been, but the City did not have the emergency and cash flow before.

Council Member Schoeffel asked what staff saw in the future that will allow the City to replenish these reserves.

Assistant City Manager Killebrew replied that there has been consistent growth at this point.

Council Member Schoeffel asked how many years it would take to replenish these funds.

Assistant City Manager Killebrew replied that he could not answer that.

City Manager Chotkevys stated that the savings from PCH side will be used as a down payment to replenish the transfer of funding.

Council Member Brough stated that the Council passed a development impact fee and there will be 2 to 3 million dollars that will be replenished once development occurs.

Mayor Pro Tem Weinberg called the question.

Mayor Bartlett stated that she has some comments and questions for staff.

Council Member Olvera asked for a point of order.

Mayor Bartlett asked for clarification from the City Attorney.

City Attorney Munoz replied that under Robert's Rules Mayor Pro Tem Weinberg is correct if the Council is going to follow Robert's Rules which is the adopted policy.

Mayor Bartlett stated that the City does follow Robert's Rules, but since she did not have her questions answered that she could not support this motion.

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2014-2015 (FY 2014-15) BUDGET UPDATE REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED IN THE REPORT; IN ADDITION, INCLUDE A LINE ITEM TO TRANSFER \$7.7M FROM THE GENERAL FUND, UTILIZING THE \$1.475M FROM THE STATE BUDGET IMPACTS RESERVE, \$2.5M FROM THE CAPITAL PROJECTS SINKING FUND RESERVE AND THE BALANCE FROM UNDESIGNATED FUND BALANCE, TO THE CAPITAL PROJECTS FUND TO FUND THE ESTIMATED COST OF THE TOWN CENTER LANTERN DISTRICT PHASE 2 PROJECT; DIRECT THE INVESTMENT REVIEW COMMITTEE TO DRAFT A FIVE YEAR REPAYMENT PLAN FOR COUNCIL'S REVIEW; AND

ADOPT RESOLUTION 14-06-17-05 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2014-15.

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 Lisa Bartlett

ABSENT: None

16. LANTERN DISTRICT PCH/DEL PRADO PHASE IIA, DEL PRADO STREET IMPROVEMENT PROJECT CONSTRUCTION BID SOLICITATION

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

Mayor Bartlett opened the Public Comments.

Lester Hill, Capistrano Beach, felt that the City Council had excluded people from commenting and that it was a terrible way to do business. He stated that he did not agree with fast-tracking.

Betty Hill, Capistrano Beach, stated that the City Council cannot risk the financial integrity of the City and rushing Del Prado makes it appear that the City Council does not care what the residents think.

Mike Powers, Dana Point, felt that this was going to help the City. He thanked Mayor Pro Tem Weinberg and Council Member Olvera as well as Council Member Brough for his leadership.

Harold Kaufman, Dana Point, stated that moving forward with Del Prado was important.

Patti Short, Dana Point, thanked the Council members who voted for the budget approval.

Cindy Monroe, Dana Point, thanked the City Council for voting to fund the project.

Robert Beaulieu, San Clemente, commended the City Council for moving this project forward.

Jorge Luhan, Dana Point, thanked the City Council for moving this project forward.

Annamarie Duran, Dana Point, thanked the City Council for approving the bid.

Bob Theel, Dana Point, felt that private investment was important and that the street improvements will reduce the uncertainty by developers.

Raymond Payne, Dana Point, stated that the financial integrity of the City was paramount. He asked the City Council to be fiscally conservative with the money that has been entrusted to them.

Nancy Wallace, Dana Point, stated that she was concerned about fiscal responsibility.

Mayor Bartlett closed the Public Comments.

Mayor Bartlett stated that she was concerned with replenishing the CIP Sinking Fund. She added that she was not comfortable depleting the City's reserves.

Council Member Olvera stated that the City Council had voted 5-0 to phase this project and we have been paying as we go and made a motion to approve the recommended action.

Mayor Pro Tem Weinberg seconded the motion.

Council Member Schoeffel stated that what he would like to see in these bids is an itemization of which components were going to cost what. He asked Council Member Olvera if he would amend his motion.

Council Member Olvera replied no.

Mayor Pro Tem Weinberg stated that he would second Council Member Schoeffel's amended motion.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL APPROVE THE SOLICITATION OF BIDS FOR SUBJECT PROJECT.

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

17. SISTER CITY AGREEMENT

RATIFIED THE SISTER CITY AGREEMENT WITH THE CITY OF VITERBO, ITALY.

18. SECOND AMENDMENT TO CUSTODIAL CONTRACT

APPROVED THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CUSTODIAL SERVICES; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT.

19. RECIPROCAL ENTRY LICENSE AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT

AUTHORIZED THE CITY MANAGER TO EXECUTE A RECIPROCAL ENTRY LICENSE AGREEMENT BETWEEN THE CITY AND THE SOUTH COAST WATER DISTRICT FOR THE PLACEMENT OF COMMUNICATIONS EQUIPMENT.

20. INTRODUCTION OF AN ORDINANCE MODIFICATION FOR THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA SECTION 13.04.050 (CARE OF NATURAL RESOURCES), PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE IN THE HEADLANDS NATURAL OPEN-SPACE ENVIRONMENTALLY SENSITIVE HABITAT PARK AREAS

Mayor Pro Tem Weinberg removed this item from the Consent Calendar.

Mayor Pro Tem Weinberg stated that he would like to amend the Ordinance to include "authorized by the City Manager" at the end of the paragraph.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL INTRODUCE AN ORDINANCE AS AMENDED ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 13.04.050 (CARE OF NATURAL RESOURCES), PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE IN THE HEADLANDS NATURAL OPEN-SPACE ENVIRONMENTALLY SENSITIVE HABITAT PARK AREAS

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

Mayor Bartlett recessed the meeting at 7:58 p.m. and reconvened the meeting at 8:22 p.m.

PUBLIC COMMENTS

Ingrid McGuire, Dana Point, congratulated Council Member Brough and Mayor Bartlett for their success in the Primary. She stated that she was disappointed with the voter turnout. She felt that the City should encourage voting in November.

Nancy Weagley, Capistrano Beach, spoke regarding changing the Code to allow chickens.

John Tomlinson, Capistrano Beach, spoke regarding suggested amendments to the Code to allow chickens in Dana Point.

Karl Kuhn, Dana Point, spoke regarding the lack of street lights on San Juan Avenue.

PUBLIC HEARINGS

21. HEARING ON APPEAL OF PLANNING COMMISSION DECISION APPROVING COASTAL DEVELOPMENT PERMIT CDP13-0018 FOR DEVELOPMENT, OTHERWISE REFERRED TO AS THE COMMERCIAL CORE PROJECT, A PARKING MANAGEMENT PLAN, A MASTER SIGN PROGRAM AND APPROVALS IN CONCEPT FOR THE DANA POINT HARBOR

Mayor Bartlett opened the Public Hearing.

Erin Meluso, San Juan Capistrano, spoke on behalf of Bruce Heyman (Boaters 4 Dana Point Harbor) the appellant. She stated that they believed that the boat barn would be a financial challenge and would not be built which will lead to a massive loss of boats in the Harbor once the commercial core absorbs most all of the available space. She added that they felt that they had made it clear that CDP13-0018 did not meet the certified Local Coastal Program.

Barbara Merriman, Dana Point, felt that there were issues to be resolved before the CDP could be approved because of inconsistencies between the Implementation Plan and the CDP regarding building heights, boat storage, and parking.

Chuck Hornsby, Grand Terrace, stated that the boat barn would require a CDP to be approved by the Coastal Commission not the City. He felt that the barn would not be built because of the cost of construction and that it will be cost prohibitive for boaters to store their boats.

Blake Byrd, San Clemente, asked the City Council to not approve the CDP as proposed.

James Lenthall, Dana Point, Dana Point for Boaters Association, stated that they support revitalization but loss of boater resources must be avoided. He asked for a requirement of a publicly disclosed finance plan, refinement of a parking management plan, relocation of the guest docks, and further development and refinement of the day use area. He added that they would support the CDP with those proposed amendments.

Harold Kaufman, Dana Point, asked the City Council to approve the CDP and deny the appeal.

Doug Heim, Dana Point, spoke about restriction heights on buildings.

Dan Clifford, Orange, stated that 70 percent of the County's income in the Harbor comes from boaters, not the commercial area.

Tim Wilson (Mitchell Land and Improvement Co.), Long Beach, stated that he was concerned about parking and asked for the parking to be monitored to keep people from parking in their lot across the street if the project moves forward.

William Byrd, San Juan Capistrano, stated that he was concerned that the boat barn was proposed to be built over his business.

Rod Howorth, Dana Point, asked the City Council to approve the CDP and move the project forward.

Richard Gardner, Capistrano Beach, spoke about the issues he had with the plan. He felt that the meandering walkways were not suitable as people will take short cuts.

Lauralyn Loynes, Dana Point Chamber of Commerce, stated that the Chamber supports denying the appeal and approving CDP13-0018.

Alan Wickstrom, Dana Point, stated that he supports the harbor revitalization. He asked the City Council to deny the appeal.

Gary Macrides, Dana Point, stated that he opposes the appeal. He asked the City Council to uphold the Planning Commission approval and move the project forward.

Rosie Garcia, Laguna Niguel, stated that she supports the appeal.

Jim Miller, Dana Point, stated that modifications have been made over the years and that he felt that the CDP was consistent with the Local Coastal Program.

Wayne Rayfield, Dana Point, felt that the plan had improved since 1998 and that he supports the Planning Commission's decision. He reported that South Coast Water District has offered to allow storage of boats on their property behind the Doubletree Hotel during construction.

Ted Olsen, Mission Viejo, felt that boat barns will change the way people boat. He was concerned with the cost to use the boat barn and the additional traffic that will be created by the offsite storage of boats on the water district property.

Diana Poulos, thanked the City Council and staff. She felt that the project was a good compromise and asked the City Council to deny the appeal and move the commercial core forward.

John Hicks, Laguna Niguel, urged the City Council to uphold the Planning Commission's approval of the CDP.

City Manager Chotkevys provided an introduction and City Architect Tilton provided a staff report.

Brad Gross, Applicant, stated that the commercial core project incorporates everything that has come from the numerous public hearings over the years.

Erin Meluso stated that she had no rebuttal.

Mayor Bartlett closed the Public Hearing.

Mayor Pro Tem Weinberg made a motion to uphold the Planning Commission's decision.

Council Member Brough felt that this project has been fully vetted and seconded the motion.

Council Member Schoeffel felt that this process has been as complete as a process could get. He stated that the issues will need to be resolved at the Coastal Commission level.

Mayor Bartlett stated that she agreed that the Coastal Commission will need to make any changes.

Council Member Olvera stated that he also agreed.

City Attorney Munoz asked for clarification on the motion and whether it included the modifications to the Resolution.

Mayor Pro Tem Weinberg replied that the motion did include the modifications.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT RESOLUTION 14-06-17-06 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP13-0018 FOR DEVELOPMENT OTHERWISE REFERRED TO AS THE COMMERCIAL CORE PROJECT, A PARKING MANAGEMENT PLAN, A MASTER SIGN PROGRAM AND APPROVALS IN CONCEPT FOR THE DANA POINT HARBOR

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

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys congratulated Kolleen Wallace on being selected Employee of the Month.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Olvera stated that he would turn in his list of meetings attended to the City Clerk.

Council Member Brough reported that he had attended the following:

May 28 – Historical Society's Founder's Day
June 10 – Inaugural meeting of the Homeless Task Force
June 12 – Relay for Life Kick-Off at Surfin' Cowboy
June 16 – American Legion meeting at Brio

Council Member Schoeffel stated that he would turn in his list of meetings attended to the City Clerk.

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

Mayor Bartlett reported that she had attended the following:

Several Transportation Corridor Agency meetings and a Southern California Association of Governments (SCAG) meeting
June 3 – Ocean Institute Board of Directors meeting
June 6 – Alzheimer promotional event
June 11 – OC Veteran's Advisory Council
June 12 – Dana Point Relay for Life kickoff event
June 14 - SOCSA Showcase of talent event at SOKA University

She announced the following upcoming events:

June 20 and 27 – Dana Point Movies in the Park
June 24 – Dana Hills High School graduation ceremony
July 6, 13, 20, and 27 – Summer Concerts in the Park
July 4 – Dana Point Fireworks Spectacular in the Dana Point Harbor

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 9:37 p.m. and announced that the next Regular Meeting of the City Council will be July 1, 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 JULY 1, 2014

Meetings attended since May 20, 2014:

Mayor Pro Tem Steven Weinberg

May 22 OCFA Claim Meeting
OCFA Board meeting
OCFA Executive Committee meeting
May 28 Lantern District working group
June 10 City BBQ
June 11 OCFA Budget and Finance Committee Meeting
June 17 Farewell Retirement Luncheon for Assistant Sheriff Mark Billings

Council Member Carlos N. Olvera

May 24 VFW Memorial at South Shores Church
May 26 Memorial Day at Pines Park
June 10 City BBQ

Council Member Scott Schoeffel

May 22 Financial Ad Hoc Committee of the San Joaquin Hills Transportation Corridor Agency
May 26 Memorial Day Services at Pines Park in Capistrano Beach
May 27 Dana Point Investment Review Committee
June 3 Financial Ad Hoc Committee of the San Joaquin Hills Transportation Corridor Agency
June 5 Dana Hills Senior Awards Night and present Schoeffel Instrumental Music Assistance Scholarships and SOCSA Scholarships to students at the event
June 10 Coastal Animal Services Authority Board of Directors meeting in San Clemente
June 12 San Joaquin Hills Transportation Corridor Agency Board of Directors meeting
June 14 SOCSA "Showcase 2014" performance at the SOKA University performing arts center in Aliso Viejo