
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 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 5:00 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 Bartlett
Mayor Pro Tem Steven Weinberg
Council Member William Brough
Council Member Carlos N. Olvera
Council Member Scott Schoeffel
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: Superior Court Case No. 30-2010-00352093; The People of State of California ex rel. The City of Dana Point v. The Point Alternative Care, Inc., et al.
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957 Title: City Manager

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 6:00 p.m. All Council Members were present.

STAFF PRESENT:

Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; 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; Brian McClure, Parks Manager; John Tilton, City Architect; Mark Sutton, Building Official; Robert Sedita,

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance of was led by Council Member Brough.

INVOCATION

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

PRESENTATIONS AND PROCLAMATION

Business of the Month - Doheny Village Car Wash

Management Analyst Sedita provided a PowerPoint presentation. He reported that the Doheny Village Car Wash opened in 1996. He stated that they offer a full service car wash and gas station, auto detailing, and more. He added that they have a recycling system to reuse their waste water. He stated that Doheny Village Car Wash was a longtime supporter of the Boys & Girls Club. Mayor Bartlett presented a Certificate of Recognition to James Surber in honor of Doheny Village Hand Car Wash being selected the Business of the Month for July 2014. Heather Johnston, CEO of the Chamber of Commerce presented James with a free one-year membership to the Dana Point Chamber of Commerce.

Employee of the Month - Kurth Nelson

Director of Community Development Luna-Reynosa provided remarks about Kurth Nelson. She described Kurth as a work-horse that is detail oriented. She stated that Kurth has been instrumental in moving some of the larger projects through the department. Mayor Bartlett presented Kurth with a Certificate of Recognition for being selected the Employee of the Month for July 2014.

CONSENT CALENDAR

A member of the public removed Item 11 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER OLVERA TO ACCEPT ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 11.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

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, JUNE 17, 2014

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 9, 2014

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 23, 2014

RECEIVED AND FILED.

5. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, APRIL 16, 2014

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014

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

Held a second reading and adopted **Ordinance 14-04** 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.

9. APPROVAL OF CONTRACT AMENDMENT FOR ADDITIONAL AS-NEEDED CAPITAL IMPROVEMENT PROGRAM DESIGN SERVICES WITH ATKINS NORTH AMERICA, INC.

APPROVED A CONTRACT AMENDMENT WITH ATKINS NORTH AMERICA, INCORPORATED FOR ADDITIONAL AS-NEEDED PUBLIC WORKS DESIGN SERVICES, AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT AMENDMENTS.

10. STREAMLINING FUTURE BUILDING PERMITS

ADOPTED **RESOLUTION 14-07-01-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REDEFINING THE COMBINED BUILDING PERMIT TERM AND DEFINITION TO STREAMLINE THE BUILDING PERMIT PROCESS.

11. INSTALLATION OF THREE BOCCE BALL COURTS AT LANTERN BAY PARK

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

City Manager Chotkevys provided a staff report.

Council Member Schoeffel asked what kind of outreach staff did to determine that this was an appropriate use for the area.

City Manager Chotkevys replied that staff did a survey of other coastal communities as well as identify a use that would complement the passive nature of this park.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

Director of Community Services and Parks Evans replied staff had checked with neighboring cities and found that Laguna Niguel has a bocce ball court which is well used. He stated that the courts are easily maintained, and can be a joint use with residents, visitors and the hotel.

City Manager Chotkevys stated that the emphasis was on passive use.

Mayor Bartlett opened the public comments.

Jasmine Smith, Dana Point, stated that she does not support a bocce ball court, that she would prefer a skate park. She felt that it was not the best use of money.

Dean Diakov, Dana Point, asked for a public poll on what should be built. He stated that he would prefer a skate park and felt that a specific court for bocce ball was not necessary.

Gino Scolari, San Clemente, stated that he supports the concept of a skate park.

Ty Smith, Dana Point, stated that he opposes the building of a bocce ball court. He felt that the court would not be used and not the best use of the City's money.

Chet Johnson, San Juan Capistrano, stated that he supports building a skate park.

Ryan Lee, Dana Point, asked that the City Council to give a skate park serious thought. He stated that bocce ball could be played at Sea Terrace Park, but that there was nowhere to skate.

Glenn Brumage, Dana Point, invited staff to go to San Clemente to the bocce courts and see that there is no one on them, but he said if you go to the skate park, you will see that it is packed.

Jim Gilbert, stated that he supports a skate park in Dana Point.

Mayor Bartlett closed the public comments.

City Manager Chotkevys provided a summary of the past discussions of building a skate park in Dana Point.

Mayor Bartlett stated that building a skate park is challenging within our city limits. She agreed with the City Manager that Doheny State Beach would be an ideal location.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

City Manager Chotkevys encouraged those who support a skate park to approach the State with the same vigor. He stated that if the City Council were to direct staff, he would approach State Parks.

Council Member Schoeffel stated that what he would like to see a short but complete white paper with what is involved in acquiring, constructing, and maintaining a skate park in Dana Point. He felt that the issue was considerably more complicated than what people think and it would be helpful to have a factual real basis for discussion of this item in the future.

City Manager Chotkevys replied that he has asked Robert Sedita to pull together information, but also engage Matt Sinacori, Kevin Evans and Brian McClure to put together a summary in a staff report for the City Council to review.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, TO APPROVE THE PROJECT; TRANSFER REQUESTED FUNDS FROM THE PARK DEVELOPMENT FUND (ACCOUNT 21-905) AND INTO CIP FUND 1; AND AWARD THE CONTRACT TO ATHLETIC FIELD SPECIALISTS AS WELL AS DIRECT STAFF TO RETURN TO COUNCIL WITH THE ANALYSIS ON WHAT WOULD BE INVOLVED IN ACQUIRING AND CONSTRUCTING A SKATE PARK IN DANA POINT.

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

Council Member Brough addressed those who were in support of a skate park and stated that the City Council was listening to their comments. He felt that there was a movement towards indoor skate parks and that the City should not be the only source for a park. He stated that there are a number of private companies that are involved in skating.

12. AMENDMENT OF CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. FOR ENVIRONMENTAL SERVICES RELATED TO A PROPOSED PROJECT LOCATED AT 34202 DEL OBISPO STREET

APPROVED AN AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND LSA ASSOCIATES, INC. (LSA), AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

PUBLIC COMMENTS

Susan Osborne, Laguna Beach, stated that she would like an extension of the City's review of the Majestic project. She felt that residents need to have more time to see what the City has approved and urged the Council to give them two to three weeks for review.

City Manager Chotkevys replied that it will be at least two months before the project comes to the Council.

Community Development Director Luna-Reynosa clarified that the project is noticed for the Planning Commission meeting on July 14th to consider the project. She added that the project would not go to the City Council unless it is appealed.

City Manager Chotkevys suggested to Ms. Osborne that they participate at the Planning Commission level and if the questions aren't answered, then the decision can be appealed to the City Council.

Alan Wickstrom, Dana Point, thanked the Mayor and City Council for recognizing the Rotary Club for this past year. He reported that on August 16th the Dana Point Lobster Beach Fest was scheduled and for more information go to danapointlobsterfest.com. He stated that this is the largest fundraiser for the Club. He added that tomorrow is the first Capo Beach Farmers Market behind El Patio Cafe. He stated that the Dana Point 5th Marine Support Group was hosting a car wash at South Shores Church.

PUBLIC HEARINGS

13. 2014 WEED ABATEMENT PROGRAM

City Manager Chotkevys provided a staff report.

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

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, CONDUCT A PUBLIC HEARING ON THE WEED ABATEMENT COST REPORT AND, THEREAFTER, ADOPT **RESOLUTION 14-07-01-02** CONFIRMING THE COST REPORT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF THE ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

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

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

14. KEEPING OF CHICKENS IN RESIDENTIAL AREAS

City Manager Chotkevys provided a staff report.

Mayor Bartlett opened the Public Comments.

Phillip Duke, Capistrano Beach, stated that he supports allowing chickens in Dana Point.

Janell Cushman, Capistrano Beach, stated that she supports the Code change to allow chickens in Dana Point.

Joel Maclean, Capistrano Beach, stated that he supports amending the Ordinance to allow chickens.

Christine McClean, Capistrano Beach, stated that she supports allowing chickens in Dana Point.

Nancy Weagley, Capistrano Beach, felt that people should be able to have chickens if they choose. She asked the Council to send her submission to the Planning Commission for approval. She stated that she had turned in over 300 signatures of people who support the Code change.

John Tomlinson, Capistrano Beach, stated that he looks forward to helping staff craft an Ordinance to allow chickens.

Brad Mercer, Dana Point, stated that the City would need to limit the number of hens but that they make little to no noise. He asked the Council to consider allowing chickens.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

Mayor Bartlett closed public comments.

Council Member Schoeffel thanked those who have shown up for having respect for the process. He stated that he was inclined to send this item to the Planning Commission.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG TO DIRECT THE PLANNING COMMISSION TO ADDRESS THE ISSUE.

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

There were no additional Public Comments received.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

Council Member Brough reported that he attended the monthly American Legion meeting last night held at the Aventura Sailing Club. He wished everyone a happy Fourth of July.

Council Member Schoeffel reported that on June 20th he presented his "Excellence is Elementary" scholarships at Palisades, RH Dana and RH Dana ENF. He wished everyone a great summer.

Mayor Pro Tem Weinberg reported that he had turned in his list of meetings attended to the City Clerk. He stated that in response to someone who had mentioned rain barrels in their comments, he felt that rain barrels were great when it rained, but with a little water in them they are mosquito breeders. He urged people to be careful with standing water. He wished everyone a great and safe Fourth of July.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

Mayor Bartlett asked staff to create a link on the City's website to the VFW Post 9934. She announced the summer concert series and stated that they take place July 6 through August 24, every Sunday from 3-6 p.m. she also recommended that people pick up a Community News which contains all of the events that are being offered for the summer. She reported that she had attended the following:

June 18 - Farewell reception for Dr. Farley, Superintendent of CUSD

June 21 - Provided welcome remarks for the Fish for Life event in the Dana Point Harbor

June 22 - Strand Development guest reception

June 24 - Dana Hills High School graduation ceremony


June 25 - St. Regis reception for the new property owner's management team

June 27 - South Orange County Economic Coalition Transportation Update for South Orange County

She stated that July 4th is our spectacular fireworks show over the Dana Point Harbor which starts at 9:00 p.m. She added that the City Council will be taking a summer break until September 16, 2014 which will be the next regularly scheduled meeting. She wished everyone a safe, and fun filled summer.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:28 p.m. in the memory of Firefighter Mike Herdman and announced that the next Regular Meeting of the City Council would be September 16, 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 SEPTEMBER 16, 2014

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

Meetings attended since June 17, 2014:

Mayor Pro Tem Steven Weinberg

June 24 Ocean Water Subcommittee
June 25 Reception to Welcome New Owners of the St. Regis
June 26 OCFA Claim Meeting
 OCFA Board meeting
 OCFA Executive Committee meeting

Council Member Carlos N. Olvera

June 17 Orange County Historical Commission
June 19 Chamber of Commerce Mixer
June 24 Dana Point Historical Society Beach Fest
June 25 St. Regis reception for new property owners