

# CITY OF DANA POINT

---

---

## CITY COUNCIL REGULAR MEETING



**TUESDAY  
OCTOBER 7, 2014  
5:00 P.M.**

## **ACTION AGENDA**

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

---

---

Next City Council Ordinance No. 14-05

### **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 5:05 p.m. in the Community Center Gym, 34052 Del Obispo, Dana Point.

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

Lisa A. Bartlett, Mayor  
Steven H. Weinberg, Mayor Pro Tem  
William P. Brough, Council Member *(arrived at 5:08 p.m.)*  
Carlos N. Olvera, Council Member  
J. Scott Schoeffel, Council Member *(arrived at 5:10 p.m.)*

### **CLOSED SESSION**

Mayor Bartlett indicated that there was a need for a Closed Session as follows:

A. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8**

Location: APN No. 682-321-04; 682-321-05  
Agency Negotiator: Douglas C. Chothevys  
Negotiating Parties: City of Dana Point and Art Sanchez for the Harold Bragg Family Trust  
Under Negotiation: Price and terms of agreement relating to property

Mayor Bartlett recessed the meeting into a Closed Session at 5:06 p.m. pursuant to Government Code Section 54956 et seq.

### **RECONVENE CITY COUNCIL MEETING**

Mayor Bartlett reconvened the meeting at 6:04 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; Mark Sutton, Building Official; Robert Sedita, Management Analyst; Christy Teague, Economic Development Manager, 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 Council Member Schoeffel.

## **INVOCATION**

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

## **PRESENTATIONS AND PROCLAMATIONS**

Business of the Month – Mathnasium

Employee of the Month – Ted Harris

## **CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

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, SEPTEMBER 16, 2014**

APPROVED THE MINUTES.

**3. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**4. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**5. A RESOLUTION AUTHORIZING THE CITY OF DANA POINT TO SUBMIT PROJECT APPLICATIONS FOR GRANT FUNDING UNDER THE ARTERIAL PAVEMENT MANAGEMENT PROGRAM (APM) TO OCTA**

ADOPTED **RESOLUTION 14-10-07-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE ARTERIAL PAVEMENT MANAGEMENT PROGRAM FUNDED WITH REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDING UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21<sup>ST</sup> CENTURY FEDERAL TRANSPORTATION ACT FOR THE DEL OBISPO STREET ARTERIAL ROADWAY RESURFACING PROJECT (STONEHILL DRIVE AND PACIFIC COAST HIGHWAY) AND THE CROWN VALLEY ARTERIAL ROADWAY RESURFACING PROJECT (PACIFIC ISLAND DRIVE/CAMINO DEL AVION TO SEA ISLAND DRIVE); and*

AUTHORIZED THE CITY MANAGER TO SIGN ALL NEEDED DOCUMENTATION UNDER THE PROGRAM AS PREVIOUSLY APPROVED BY THE RESOLUTION INCLUDED AS SUPPORTING DOCUMENT B.

**6. FUNICULAR VEHICLE REPLACEMENT**

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH OUTDOOR ENGINEERS, INC. FOR THE MANUFACTURE AND INSTALLATION OF THE REPLACEMENT VEHICLE; ADOPTED **RESOLUTIONS 14-10-07-02 AND 14-10-07-03** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A LOAN TO COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT; and*

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT ACCEPTING A LOAN FROM THE CITY OF DANA POINT; and*

APPROVED BUDGET ADJUSTMENTS AS PROPOSED IN THE FISCAL IMPACT SECTION.

**7. DANA POINT TROLLEY UPDATE REPORT (OCTA PROJECT V GRANT)**

RECEIVED AND FILED THIS TROLLEY UPDATE REPORT.

**8. RESOLUTION MAKING FINDINGS RELATED TO APPROVAL OF THE SECOND AMENDMENT TO ORANGE COUNTY FIRE AUTHORITY (OCFA) JOINT POWERS AUTHORITY AGREEMENT – EQUITY**

ADOPTED RESOLUTION 14-10-07-04 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, MAKING FINDINGS RELATED TO THE CITY'S PRIOR APPROVAL OF THE ORANGE COUNTY FIRE AUTHORITY'S SECOND AMENDMENT TO THE AMENDED JOINT POWERS AUTHORITY AGREEMENT.*

**PUBLIC COMMENTS**

Todd Glen  
Josette Hatter  
Roger Butow  
Nancy Jenkins  
Heather Johnston  
Ryan Lee  
Sue Osborne  
Michelle Roberts  
Jim Gilbert  
Monica Henderson  
Christian Roth  
Matthew Frandell  
Chandler Sieverts  
Brendan Petersen  
Ryan Boehm

**PUBLIC HEARINGS**

**9. HEARING ON AMENDMENTS TO 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 DANA POINT HARBOR**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL CONTINUE THE PUBLIC HEARING FOR COASTAL DEVELOPMENT PERMIT CDP13-0018(I) TO THE NOVEMBER 18, 2014 MEETING.

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

10. **CONTINUED PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION DECISION DENYING COASTAL DEVELOPMENT PERMIT (CDP09-0011), VARIANCE (V09-0003), CONDITIONAL USE PERMIT (CUP09-0009) AND SITE DEVELOPMENT PERMIT (SDP09-0032) FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW 248,850 SQUARE FOOT HOTEL WITH 250 ROOMS THAT WILL RANGE FROM TWO TO FIVE STORIES IN HEIGHT. THE APPLICATION INCLUDES A VARIANCE TO EXCEED THE MAXIMUM ALLOWABLE BUILDING HEIGHT AND TO DEVIATE FROM REQUIRED BUILDING SETBACKS. A CONDITIONAL USE PERMIT IS BEING REQUESTED TO ALLOW AN ALTERNATIVE TO THE OFF-STREET PARKING REGULATIONS THROUGH A SHARED PARKING AND VALET PROGRAM. A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) HAS BEEN PREPARED TO ADDRESS POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROJECT. THE SUBJECT SITE IS LOCATED AT THE SOUTHWEST CORNER OF DANA POINT HARBOR DRIVE AND PACIFIC COAST HIGHWAY IN THE COASTAL COUPLET COMMERCIAL (C-CPC) AND COASTAL VISITOR COMMERCIAL (C-VC) ZONES OF THE DANA POINT SPECIFIC PLAN**

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL DIRECT THAT THE MATTER BE RETURNED TO STAFF FOR FURTHER CONSIDERATION, IF AND WHEN A REVISED PROJECT IS SUBMITTED BY THE APPLICANT. AND, FURTHER, THAT SHOULD A REVISED PROJECT BE SUBMITTED, STAFF TREAT IT AS A CONTINUATION OF THE CURRENT PROJECT, SUCH THAT THERE IS NO DENIAL ON THE PROJECT'S RECORD. THE REVISED PROJECT, IF ANY, IS TO BE ANALYZED AND SUBMITTED TO THE PLANNING COMMISSION IN THE NORMAL COURSE OF BUSINESS.

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 Unfinished Business items.

## **PUBLIC COMMENTS (Continued)**

There were no additional Public Comments received.

## **STAFF REPORTS**

## **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

### **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Bartlett adjourned the meeting at 7:05 p.m. and announced that the next Regular Meeting of the City Council will be October 21, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.