

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



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

MINUTES

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. Chotkevys
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

Management Analyst Sedita provided a PowerPoint presentation. He reported that Mathnasium had opened in January of 2014 in the Monarch Bay Plaza. He stated that students pay a monthly fee similar to a gym membership which allows them to attend as often as needed throughout the month. He added that all of Mathnasium's employees hold degrees in math and that Mathnasium tutors students from second grade to college level. Mayor Bartlett presented a Certificate of Recognition to owner Kapil Mather for Mathnasium being selected as the Business of the Month for October, 2014. Heather Johnston from the Dana Point Chamber of Commerce presented Mr. Mather with a certificate and a marketing package.

Employee of the Month – Ted Harris

Director of Community Development Luna-Reynosa and Building Official Sutton introduced Ted Harris. Director Luna-Reynosa stated that Ted was one of her favorite types of employees where you can give an assignment to and not worry about it because you know it will be done and done well. Building Official Sutton added that Ted exemplifies five-star customer service. Mayor Bartlett presented Ted with a Certificate of Recognition for being selected the Employee of the Month for October, 2014.

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 21ST 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, Dana Point, spoke regarding the proposed project at South Shores Church.

Josette Hatter, Dana Point, spoke regarding the proposed project at South Shores Church.

Roger Butow, Laguna Beach, spoke regarding the South Shores Church project.

Nancy Jenkins, Dana Point, thanked the City for all of the wonderful events this past summer. She asked for volunteers to help out at the upcoming Octoberfest event which benefits the 5th Marine Regiment.

Heather Johnston, San Clemente, invited everyone to the Council Candidate Forum that was scheduled for Thursday from 7-9 p.m. at the Dana Point Community Center.

Ryan Lee, Dana Point, spoke regarding a skate park in Sea Terrace Park.

Sue Osborne, Laguna Beach, spoke regarding the proposed development in Town Center and stated that she was concerned with where the water was going to come from.

Michelle Roberts, Dana Point, spoke regarding a skate park in Dana Point.

Jim Gilbert, San Clemente, spoke regarding a skate park in Dana Point.

Monica Henderson, Dana Point, spoke in favor of building a skate park in Dana Point.

Christian Roth, Dana Point, spoke in favor of a skate park in Dana Point.

Matthew Frandell, Dana Point, spoke in favor of a skate park in Dana Point.

Chandler Sieverts, Dana Point, spoke in favor of a skate park in Dana Point.

Brendan Petersen, Dana Point, spoke in favor of a skate park in Dana Point.

Ryan Boehm, Dana Point, spoke in favor of a skate park in Dana Point.

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

City Manager Chotkevys stated that staff had received correspondence from the Harbor asking for a continuance of this item until the November 18, 2014 City Council meeting.

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

City Manager Chotkevys read the letter the City had received from the applicant asking the City Council to allow them to withdraw their project.

Council Member Schoeffel asked if this tender of a letter operate as a withdrawal of the appeal as a matter of law.

City Attorney Munoz replied that it appears to him that is what they are attempting to do.

Council Member Schoeffel asked if the City were to accept this letter, it is not making a CEQA determination and Mr. Theel's language was merely an expression of his client's intent that perhaps the CEQA portion of a new project application could be handled in that fashion.

City Attorney Munoz replied that the City was not making any CEQA determination and he did not feel that was what they intended.

Council Member Schoeffel made a motion to accept the applicant's letter.

Mayor Pro Tem Weinberg made a substitute motion as follows:

1. If and when a revised project is submitted to the City, staff treat it as a continuation of the current project, analyze it and submit it to the Planning Commission in the normal course of business; 2. This action is intended to reflect the Council's action on the appeal is to direct that the matter be returned to the staff for further consideration and if and when a revised project is submitted by the applicant.

Council Member Schoeffel asked what would happen to the appeal as a matter of law.

Mayor Pro Tem Weinberg replied that the Planning Commission's denial is wiped clean but the applicant has to submit a new project to staff, which will then go to the Planning Commission for a full public vetting, and that it is his expectation that a revised project will conform much more to our existing standards than anything we have seen thus far for consideration.

Mayor Bartlett asked if his substitute motion included a withdrawal of the appeal.

Mayor Pro Tem Weinberg replied that it is wiped clean, no denial.

Council Member Schoeffel asked if under Mayor Pro Tem's proposed motion the matter would have to go back to the Planning Commission.

Mayor Pro Tem Weinberg replied yes.

Council Member Schoeffel seconded the motion.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL ACCEPT THE WITHDRAWAL OF THE APPEAL BY THE APPLICANT AND FURTHER STIPULATED THAT IF AND WHEN A REVISED PROJECT IS SUBMITTED TO THE CITY, STAFF TREAT THE PROJECT AS A CONTINUATION OF THE

CURRENT PROJECT, ANALYZE IT AND SUBMIT IT 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

City Manager Chotkevys thanked staff and Police Services for the work they have done for the City events.

City Attorney Munoz stated that the Governor had signed legislation dealing with plastic bags, and he felt it important to note that there was an exception in the legislation that if there was existing local legislation that those regulations would remain intact. He added that there was recent legislation that had been adopted in connection with massage establishments giving back local control over zoning and business regulations.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Brough reported that he had attended the following:

September 25 – Reception for the new CUSD Superintendent at Brio
October 1 – Saddleback College “State of the College”
October 3 – Orange County Auto Show and the Dana Point BBQ Welcoming Dinner
October 7 – Spoke at the Niguel Shores Men’s Club

Council Member Olvera reported that he had attended the following:

September 20 – Relay for Life at Lantern Bay Park
October 1 – Lantern District Meeting
October 2 – Orange County Library Board Meeting

October 3 – Dana Point BBQ Welcoming Dinner
October 4 – Presented awards at the BBQ Championship

Council Member Schoeffel reported that he would turn in his list of meetings attended to the City Clerk. He stated that the Relay for Life was very special to him and that he attended both days. He felt that it was a privilege to host this event in our City.

Mayor Pro Tem Weinberg stated that he would turn in his list of meetings attended to the City Clerk. He hoped that everyone had a great summer and encouraged everyone to come out and support Octoberfest being held in Sea Terrace Park.

Mayor Bartlett stated that the City's single use plastic bag Ordinance works for us. She added that Dana Point is seen as an eco-friendly city and that it has provided tools for economic development and our hotels to market Dana Point while protecting the small businesses.

She reported that she had attended several TCA meetings and the welcome reception for CUSD Superintendent Kirsten Vital.

She stated that the grand re-opening of the Dana Point Library was scheduled for October 14 and on October 18 there will be a Fish For Life event at Dana Wharf Sportsfishing. She added that the fall edition of the Community News was available.

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.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF OCTOBER 21, 2014

Meetings attended since September 16, 2014:

Mayor Lisa Bartlett

- September 20 – Attended and provided welcoming remarks for the Dana Point Relay for Life event in Lantern Bay Park
- September 24 – Dana Point Historical Society meeting and presented a Certificate of Recognition for the creation of the original City seal
- September 28 – American Legion Post Motorcycle Ride opening ceremony
- October 2 – Attended and was the featured speaker at the Dana Point Women’s Club meeting

Mayor Pro Tem Steven Weinberg

- September 18 - OCVCD Budget and Finance meeting
OCVCD Board Meeting
- September 25 - OCFA Board Meeting
OCFA Executive Committee meeting
- September 26 - Ocean Water Subcommittee
- October 1 - Lantern District Gateway meeting
- October 7 - OCFA HR Committee meeting

