

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
OCTOBER 21, 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 5:00 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 5:10 p.m.*)
Carlos N. Olvera, Council Member
J. Scott Schoeffel, Council Member (*Absent*)

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)(2) (1 case)

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

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 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; John Tilton, City Architect; Mark Sutton, Building Official; Robert Sedita, Management Analyst; Christy Teague, Economic Development Manager, Saima

Qureshy, Senior Planner, 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 Olvera.

INVOCATION

The Invocation was provided by Chaplain Maury Hansen of VFW Post 9934.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations nor Proclamations made.

CONSENT CALENDAR

Mayor Bartlett removed Item 10 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

ABSENT: Council Member Scott Schoeffel

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, OCTOBER 7, 2014

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 8, 2014

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 22, 2014

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 13, 2014

RECEIVED AND FILED.

6. ARTS AND CULTURE COMMISSION MEETING MINUTES OF APRIL 16, 2014

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. ADOPTION OF A RESOLUTION APPROVING THE FLOODPLAIN AND BASE FLOOD ELEVATION ANALYSIS FOR SAN JUAN CREEK AS IT RELATES TO THE PLANNED DEVELOPMENT AT 34202 DEL OBISPO STREET

ADOPTED **RESOLUTION 14-10-21-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE FLOODPLAIN AND BASE FLOOD ELEVATION ANALYSIS FOR SAN JUAN CREEK AS IT RELATES TO THE PROPERTY AT 34202 DEL OBISPO STREET

10. UPDATE - COUNTY AMBULANCE CONTRACT RFP PROCESS

Mayor Bartlett removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR BARTLETT, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL RECEIVE A REPORT ON THE COUNTY AMBULANCE CONTRACT RFP PROCESS AND THEN AUTHORIZE THE CITY MANAGER TO SEND CORRESPONDENCE TO THE COUNTY BOARD OF SUPERVISORS OUTLINING CONCERNS RELATIVE TO THE RFP REVIEW PROCESS.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

ABSENT: Council Member Scott Schoeffel

11. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2015

ADOPTED **RESOLUTION 14-10-21-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2015 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2015 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

SET THE DATE FOR PUBLIC HEARING FOR RENEWAL OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ON NOVEMBER 18, 2014.

PUBLIC COMMENTS

Girault Claude
Nancy Jenkins
Lauralyn Loynes
Ryan Divel

PUBLIC HEARINGS

12. HEARING ON THE APPEAL OF PLANNING COMMISSION'S SPLIT DECISION WITH A 2-2 VOTE WHICH HAS THE PRACTICAL EFFECT OF A DENIAL FOR TENTATIVE TRACT MAP TTM 17751, COASTAL DEVELOPMENT PERMIT CDP14-0008, SITE DEVELOPMENT PERMIT SDP14-0006, CONDITIONAL USE PERMIT CUP14-0005, AND VARIANCE V14-0004 FOR THE DEMOLITION OF CURRENT STRUCTURES ON SUBJECT PROPERTIES AND CONSTRUCTION OF A NEW THREE PHASED MIXED USE PROJECT FEATURING 32,500 SQUARE FEET OF RETAIL SPACE ON THE GROUND FLOORS AND 109 RESIDENTIAL CONDOMINIUMS ON THREE LEVELS ABOVE, WITH TWO LEVELS OF SUBTERRANEAN PARKING ON SEVEN NON-CONTIGUOUS LOTS LOCATED AT 34135 PCH, 24471 DEL PRADO, 34129 PCH (PHASE 1); 34137 PCH, 24501 DEL PRADO (PHASE 2); AND 34155 PCH, 24591 DEL PRADO (PHASE 3) IN THE CITY'S TOWN CENTER PLAN AREA

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL REVERSE THE PLANNING COMMISSION'S ACTION WHICH HAS THE PRACTICAL EFFECT OF A "DENIAL" AND ADOPT **RESOLUTION NO. 14-10-21-03** APPROVING TENTATIVE TRACT MAP TTM 17751, COASTAL DEVELOPMENT PERMIT CDP14-0008, SITE DEVELOPMENT PERMIT SDP14-0006, CONDITIONAL USE PERMIT CUP14-0005, AND VARIANCE V14-0004 WITH THE ADDITION OF SUBSECTION (L) TO CONDITION NUMBER 69 PROHIBITING VACATION RENTALS AND AN AMENDMENT OF CONDITION NUMBER 79 TO READ "CONCURRENT WITH THE RECORDATION OF THE MAP RELATED TO THE PROJECT, APPLICANT SHALL HAVE PAID ALL APPLICABLE IN LIEU PARKING FEES, AND PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY THE CITY SHALL ENDEAVOR TO IDENTIFY THE OFFSITE PARKING SPACES TO WHICH THE IN LIEU FEES APPLY" ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING 1) TENTATIVE TRACT MAP TTM 17751, 2) COASTAL DEVELOPMENT PERMIT GDP14-0008, 3) SITE DEVELOPMENT PERMIT SDP14-0006, 4) CONDITIONAL USE PERMIT CUP14-0005, AND 5) VARIANCE V14-0004 AT 34135 PCH, 24471 DEL PRADO, 34129 PCH (PHASE 1); 34137 PCH, 24501 DEL PRADO (PHASE 2); AND 34155 PCH, 24591 DEL PRADO (PHASE 3) IN THE CITY'S TOWN CENTER PLAN AREA.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, and Mayor Pro Tem Steven Weinberg

NOES: Mayor Lisa Bartlett

ABSENT: Council Member Scott Schoeffel

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

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 9:34 p.m. and announced that the next Regular Meeting of the City Council will be held November 18, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.