

CITY OF DANA POINT

**CITY COUNCIL
ADJOURNED
REGULAR
MEETING/JOINT
MEETING WITH
THE PLANNING
COMMISSION**



**TUESDAY
JANUARY 28, 2014
6:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 14-03

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 6:06 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, 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 6:38 p.m.*)
Carlos N. Olvera, Council Member
J. Scott Schoeffel, Council Member

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. Lynn Koehmstedt; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Brian McClure, Parks Manager; Christy Teague, Economic Development Manager; John Tilton, City Architect; Erica Demkowicz, Senior Planner; Saima Qureshy, Senior Planner; Jackie Littler, Executive 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 Pastor David Mattson of Gloria Dei Lutheran Church.

CONSENT CALENDAR

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

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member William Brough

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. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING FY13-14 PHASE 1 PROJECT

ADOPTED RESOLUTION 14-01-28-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL RESIDENTIAL ROADWAY RESURFACING FY13-14 PHASE 1 PROJECT"; and

CREATED A NEW CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT ENTITLED "STORM DRAIN REPAIRS CITYWIDE FY13-14" AND DIRECTED ALL PROJECT SAVINGS AND AUTHORIZED BUDGET TRANSFERS AS INDICATED IN THE FISCAL IMPACT SECTION.

3. NOTICE OF INTENT TO VACATE A SLOPE EASEMENT AT 34215 PACIFIC COAST HIGHWAY (ASSESSOR PARCEL NUMBERS 682-301-15 AND 682-301-16)

ADOPTED RESOLUTION 14-01-28-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENT TO VACATE A SLOPE EASEMENT AT 32415 PACIFIC COAST HIGHWAY (ASSESSOR PARCEL NUMBERS 682-301-15 AND 682-301-16) AS DEDICATED PER DOCUMENT RECORDED WITH THE COUNTY OF ORANGE OCTOBER 18, 1979 AS INSTRUMENT NUMBER 27473 IN THE BOOK 13357, PAGE 665 O.R.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

JOINT MEETING WITH THE PLANNING COMMISSION

The Joint Meeting of the City Council and Planning Commission of the City of Dana Point, California, was called to order by Mayor Bartlett at 6:08 p.m. in the Dana Point Community Center, 34052 Del Obispo, Dana Point.

ROLL CALL OF THE PLANNING COMMISSION MEMBERS:

Gary Newkirk, Chairman
Liz Claus, Vice-Chairwoman
Norman Denton III, Commissioner
April O'Connor, Commissioner
Susan Whittaker, Commissioner

PUBLIC COMMENTS

Jorge Olamendi, Dana Point, spoke regarding the City's 25th Anniversary. He thanked everyone who has contributed to make the City one of the best in America. He asked the City Council and Planning Commission to review all areas in the City to continue to not only enhance the way of life but the safety.

Betty Hill, Capistrano Beach, stated that she was worried about the attention and resources that the Town Center is receiving and that other areas of the city will be neglected. She wanted to be assured that the City Council will continue to be financially responsible for all other parts of the city including Capistrano Beach.

Buck Hill, Capistrano Beach, congratulated the Planning Commission and the City Council on the effort on Town Center. He stated he was concerned about maintaining a balance to benefit the City at the same time.

Tom Gates, Dana Point, asked the City Council to think about the parking plan. He stated that he was concerned that mail delivery to the homes would be disrupted during the construction.

Karl Kuhn, Dana Point, recommended that the City install lights on San Juan Avenue. He reported that his wife had fallen due to the lack of lighting at night.

NEW BUSINESS

4. PRESENTATION OF TOWN CENTER LANTERN DISTRICT PARKING PLAN – DRAFT REPORT; AND AMENDMENT OF THE CONTRACT WITH NELSON/NYGAARD CONSULTING ASSOCIATES TO CONTINUE THEIR WORK ON THE TOWN CENTER PARKING PLAN

City Manager Chotkevys provided opening remarks and Director of Community Development Luna-Reynosa introduced Patrick Siegman of Nelson/Nygaard. Mr. Siegman provided a PowerPoint presentation and responded to questions from the City Council and the Planning Commission.

Council Member Schoeffel stated that what he liked most about this plan is that he has seen this plan work in other cities and that it can be implemented quickly and implemented in a manner that is Coastal Commission friendly. He added that he would endorse every one of the recommendations and stated that he would make a motion to approve the recommended action.

Council Member Brough stated that he would support the concept of updating the City's parking code and that he would second that motion.

Council Member Olvera asked what is the maximum based on build out according to the plan.

Patrick Siegman replied that the build out would allow up to 270,000 square feet of non-residential development with 132 new housing units. He stated that the estimate is that with the existing parking surplus that currently exists, that could sustain ¼ million square feet of non-residential development and that existing parking could support nearly all of the non-residential development. He added that as the City moves forward with leasing or purchasing lots; or leasing with option to buy the key will be to go after the lots that will serve the ultimate build out.

Mayor Pro Tem Weinberg stated that he supports this plan. He felt that this plan should include the residents needing to park on the premises or there needs to be a Conditional Use Permit.

Commissioner Schoeffel clarified his motion to include the contract amendment with Nelson/Nygaard.

City Manager Chotkevys stated that the City Council will have another opportunity to discuss this plan after it goes through the Planning Commission for the LCPA. He added that Director Luna-Reynosa would like to receive some clarification.

Director of Community Development Luna-Reynosa stated that the current Zoning Code has a provision for an in-lieu parking fee so Coastal Commission approval is not required. She asked for direction from Council that staff could charge a \$15,000 in-lieu fee per parking space for the developers until the parking standards are put into place.

City Manager Chotkevys clarified that this fee would not require Coastal Commission approval or the leasing of lots.

Council Member Schoeffel stated that he would amend his motion to include a \$15,000 in-lieu fee per parking space.

Council Member Brough asked how would the number of parking spots be calculated.

Community Development Director Luna-Reynosa replied that staff would use the current standards. She stated that the developer could opt out of some of the parking spots by paying the in-lieu fee per parking space rather than providing parking for their project.

Council Member Brough stated that he was concerned with the fee and that he wanted the city to entice the developers to build here. He would prefer the City purchase inventory before charging the developers a new cost.

City Manager Chotkevys asked Mr. Siegman what the cost per parking space in the Town Center was.

Patrick Siegman replied that it was anywhere from \$20,000 to \$40,000 per space.

City Manager Chotkevys stated that the City Council could table this discussion or consider a smaller amount. He added that developers were at the counter asking for relief from the parking requirements.

Community Development Director Luna-Reynosa stated that if nothing was done, the developers would have to comply with the current parking standards and there is no option to pay an in-lieu fee.

City Attorney Munoz stated if the in-lieu fee is part of the Council's recommended action that staff would have to bring back a formal Resolution adopting the fee.

Mayor Pro Tem Weinberg asked if the City could charge the \$15,000 per space and deposit the half of the money into an escrow account, then return the money to the developer when the parking plan was approved by the Coastal Commission.

Council Member Schoeffel felt that the Coastal Commission would not like that plan.

Community Development Director Luna-Reynosa replied that it would create an uncertain situation for the developers.

Mayor Bartlett agreed that the developers would want certainty.

City Manager Chotkevys asked if this fee was in line with what other cities were doing.

Patrick Siegman replied yes.

City Manager Chotkevys stated that this money would be used to provide the City with capital to purchase lots and provide public parking.

Mayor Pro Tem Weinberg asked why the developers would not just wait two years in hopes that the plan is approved.

City Manager Chotkevys replied that they would want their return on their investment.

City Attorney Munoz stated that the Resolution would include a not-to-exceed amount as the fee that is being approved and include language to allow staff the authority to negotiate on a case-by-case basis.

Mayor Bartlett asked Council Member Schoeffel to re-state his motion.

Council Member Schoeffel stated that his first motion would be to accept the \$15,000 in-lieu fee until the new parking program is approved by the Coastal Commission and to direct the City Attorney to draft a Resolution and return as soon as possible.

Council Member Brough asked if Council Member Schoeffel would be prohibited from including Mayor Pro Tem Weinberg's suggestion that the fee be returned to the developer when the plan was approved.

City Attorney Munoz replied that there would need to be an amendment to the motion.

Council Member Schoeffel stated that he would agree to the amendment of the motion so long as it would not delay the approval of the revised parking program by the Coastal Commission.

Council Member Brough stated that he would second the motion.

Mayor Pro Tem Weinberg felt that the fees were going to be cost prohibitive for the developers.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL APPROVE OF STAFF'S RECOMMENDATION OF A NOT TO EXCEED \$15,000 IN-LIEU PARKING FEE UNTIL THE NEW PARKING PLAN IS APPROVED BY THE COASTAL COMMISSION; IF THE PLAN IS APPROVED AND REQUIRED PARKING SPACES ARE REDUCED, EXCESS FEES (IF ANY) COULD BE RETURNED TO THE DEVELOPER, AND DIRECT THE CITY ATTORNEY AND STAFF TO RETURN TO COUNCIL AT THE NEXT MEETING WITH A RESOLUTION OF APPROVAL.

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL ENTER INTO AN AMENDED AGREEMENT WITH NELSON/NYGAARD CONSULTING ASSOCIATES IN ACCORDANCE WITH THE ATTACHED SCOPE OF WORK TO CONTINUE THE WORK ON THE PREPARATION OF THE PARKING PLAN AND ADOPTION OF AMENDMENTS TO THE TOWN CENTER PLAN, AUTHORIZED A BUDGET ADJUSTMENT AS PROVIDED FOR AND THAT THE CITY COUNCIL AND THE PLANNING COMMISSION RECEIVE THE PRESENTATION ON THE DRAFT REPORT ON TOWN CENTER LANTERN DISTRICT PARKING PLAN FROM THE CONSULTANT.

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

5. COMMUNITY DEVELOPMENT WORK PLAN

City Manager Chotkevys introduced the item and Community Development Director Luna-Reynosa provided a staff report.

Council Member Schoeffel asked how funding an Associate Planner would help with the advanced planning projects.

Community Development Director Luna-Reynosa replied that the position would allow the Senior Planners to have more time to work on advanced planning projects and less time assisting customers at the counter. She stated that with that additional resource added that staff would be able to move forward with the Town Center Lantern District Plan amendment and the Doheny Village project.

Council Member Schoeffel asked if it is more efficient to have a Senior Planner working on the more advanced planning matters.

Community Development Director Luna-Reynosa replied yes.

City Manager Chotkevys clarified that the Senior Planners would be available to work on the advanced planning projects and with the Associate Planner, staff could work on Doheny Village and other projects that are coming on line.

Mayor Bartlett felt that in looking at the numbers that it made more sense to hire a planner rather than contract based on the long term work.

City Manager Chotkevys stated that he tries to run the City like a business with an eye on revenue. He suggested commissioning a fee study to see how much of a subsidy the General Fund is.

Mayor Bartlett agreed that a fee study was a great idea.

Council Member Brough stated that Director Luna-Reynosa was doing a great job, but that he would prefer to stay with contract staff. He felt that staff was too busy to conduct a fee study and stated that the number one priority is Town Center.

Mayor Bartlett asked when the last time a fee study had been conducted was.

Assistant City Manager Killebrew replied that a fee study was conducted in late 2006, but the economy took a downturn and the study was put on hold. He added that it has been 14-15 years since any fees were adjusted with the exception of solar systems.

Mayor Pro Tem Weinberg felt that the City did need a fee study to find out what is being subsidized and he asked what was needed to be done in bundling the fee.

Director Luna-Reynosa replied that a new fee combination building fee would be created.

Mayor Pro Tem Weinberg asked if it was staff's idea to take the summation of all the fees that building now costs and put it into one number without materially raising or lowering the number.

Community Development Director Luna-Reynosa replied that yes that would be the intent based on the direction of the Council.

City Manager Chotkevys added that staff could get that information as part of a fee study when it is presented to Council.

City Attorney Munoz stated that to justify the fee, a fee study would need to be conducted.

Mayor Pro Tem Weinberg asked if a fee study was needed to bundle the discrete fees that already exist.

City Attorney Munoz replied yes, to do a different fee from what currently exists, a fee study is required to justify it.

City Manager Chotkevys added that the fee study is a safeguard that is put into place to prevent jurisdictions from making a profit.

Mayor Pro Tem Weinberg recommended a fee study be conducted so the Council can streamline the operation and to determine what the true costs are. He stated that Council could then modify the fees or not.

Mayor Bartlett felt that a fee study was a great idea and that she did not want the City to be short-sighted when it comes to staffing. She felt that hiring rather than contracting would be more cost effective.

City Manager Chotkevys stated that he was not advocating for a fee increase, that it was more of a business decision so the City Council has the information to make a decision.

Council Member Schoeffel stated that the Council was not creating a new position, just funding an existing position. He added that the effort appears to be long-term and that he would prefer to pay less for an in-house position. He stated that he would like to be as competitive as possible on fees and felt that the fee study was long overdue.

Council Member Olvera stated that the Zoning Code and General Plan update would be priority if it were up to him. He added that he does not support adding a full-time employee and felt that contract staff was the way to go. He stated that the Lantern District was a top priority as well as a fee schedule review and parking study for the Lantern District.

Commissioner O'Connor stated that she preferred hiring a long term employee as opposed to contract. She felt that employees took more ownership of their position and added that a fee study would be able to determine if fees needed to be adjusted.

Vice-Chairwoman Claus stated that when she was reviewing the material for tonight's meeting that she was stunned by the workload that staff was able to accomplish. She felt that if an additional employee was needed, then the City should hire someone whichever way was appropriate.

Commissioner Whittaker stated that she supported hiring an Associate Planner and encouraged a General Plan update.

Commissioner Denton felt that if the City was going to fund the position, that it should be filled with an employee and not a contractor.

Chairman Newkirk felt that the Planning Department needed help. He stated that an employee would be a better option. He added that a review of the fees is much needed as he feels that the City is subsidizing the low fees.

Council Member Brough agreed that a fee schedule discussion would be good.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL DIRECT STAFF TO COMMISSION A FEE STUDY AND REPORT BACK TO COUNCIL AS SOON AS POSSIBLE.

The motion carried by the following vote:

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

NOES: Council Member William Brough

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL AUTHORIZE THE FUNDING OF AN ASSOCIATE PLANNER POSITION.

The motion carried by the following vote:

AYES: Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: Council Member William Brough and Council Member Carlos N. Olvera

ABSENT: None

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys thanked Mayor Bartlett and the City Council for allowing this joint meeting to take place. He added that he appreciates the job that the Community Development staff does for the City.

CLOSED SESSION

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

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

Location: Assessor's Parcel Number 682-311-02; area .76 acres
Agency Negotiator: Doug Chotkevys, City Manager
Negotiating Parties: City of Dana Point and Beverly Hills Hospitality Group
Under Negotiation: Price and terms of agreement relating to property

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Brough reported that he had attended the ground breaking for the Villas on the other side of the St. Regis.

Council Member Olvera reported that he had attended a Lantern District community meeting and the ribbon cutting for the Villas.

Mayor Bartlett recessed the meeting into a Closed Session at 8:51 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE – ADJOURNMENT

City Attorney Munoz stated that he had no reportable items from Closed Session.

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 9:28 p.m. She stated that the next Regular Meeting of the City Council would be February 18, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



BOBBI A. OGAN
DEPUTY CITY CLERK

APPROVED AT THE MEETING OF FEBRUARY 18, 2014