
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 1, 2015**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Olvera at 5:03 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor Carlos N. Olvera
Mayor Pro Tem John A. Tomlinson
Council Member Joseph L. Muller
Council Member J. Scott Schoeffel
Absent: Council Member Richard A. Viczorek

CLOSED SESSION

City Attorney Munoz indicated that there was a need for Closed Session discussion and stated that there was also a need to add three items under Anticipated Litigation Government Code § 54956.9 (d1).

- A. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case: Claim Against Utopia re: Illumination Performance)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case) Name of Case: City of Dana Point v. California Coastal Commission, et al Case No. 37-2010-00099827

Mayor Olvera recessed the meeting into a Closed Session at 5:05 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Olvera reconvened the meeting at 6:32 p.m. All Council Members were present with the exception of Council Member Viczorek.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Aaron Rosen, Emergency Services Coordinator; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; John Tilton, City Architect; Mark Sutton, Building Official; Kevin Evans, Director of Community Services and Parks; Shelley Velez, Senior

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Personnel Analyst; Jackie Littler, Executive Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Muller.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations nor Proclamations.

1. APPOINTMENTS TO THE ARTS AND CULTURE COMMISSION

The City Council conducted interviews in five minute intervals to fill three positions on the Dana Point Arts and Culture Commission. The City Council interviewed the following candidates:

Bob Russell
Michael McDonald
Nancy Jenkins
Nicholas St. George
Marta Riojas
Karin Schnell
Kimberly Williams
Anthony Small
Martin Chokany
Ann Schultz
Lynn Smith

There was a consensus of the Council to appoint Nancy Jenkins, Karin Schnell, and Kimberly Williams to the Arts and Culture Commission.

CONSENT CALENDAR

Members of the public removed Items 9 and 16. Staff removed Item 13 and Mayor Olvera removed Item 14 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER, TO ACCEPT THE RECOMMENDATIONS FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9, 13, 14, AND 16.

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The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel,
Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: None

ABSENT: Council Member Richard A. Viczorek

2. 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.

3. REGULAR MEETING MINUTES, JULY 21, 2015

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, JULY 13, 2015

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, JULY 27, 2015

RECEIVED AND FILED.

6. PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 24, 2015

RECEIVED AND FILED.

**7. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES OF
JANUARY 21, 2015**

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, JUNE 2015

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

City Manager Chotkevys provided a staff report.

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Mayor Olvera opened the Public Comments.

Buck Hill, Capistrano Beach, felt that the Council was not being provided adequate reporting. He stated that either the budget was wrong or the actuals are wrong.

Mayor Olvera closed the Public Comments.

City Manager Chotkevys stated this report reflects the cash balance of the City and that the City has high and low months. He added that if the Council would like a change in reporting, he felt that it would be appropriate to ask the Financial Review Committee to review the reporting procedures and provide recommendations.

Council Member Schoeffel stated that he would like the Financial Review Committee to review this and report back to Council.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR CARLOS N. OLVERA, TO DIRECT THE FINANCIAL REVIEW COMMITTEE TO REVIEW THE REPORTING METHODS OF THE TREASURER'S REPORT AND PROVIDE RECOMMENDATIONS TO THE CITY COUNCIL.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: None

ABSENT: Council Member Richard A. Viczorek

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. ADMINISTRATIVE POLICY FOR TRANSITIONAL RETURN TO WORK PROGRAM

APPROVED AN ADMINISTRATIVE POLICY PROVIDING FOR A TRANSITIONAL RETURN TO WORK PROGRAM.

12. HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2016

ADOPTED RESOLUTION 15-09-01-01 ENTITLED:

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND ELIGIBLE NON-REPRESENTED CLASSIFICATIONS.

13. THIRD AMENDMENT TO THE OCFA JOINT POWERS AUTHORITY AGREEMENT

Staff removed this item from the Consent Calendar and stated that the item would be brought back at the next meeting for consideration when Council Member Viczorek would be in attendance.

14. PCH TROLLEY STATUS REPORT

Mayor Olvera removed this item from the Consent Calendar.

Director of Public Works and Engineering Fowler provided a staff report.

Council Member Muller stated that he was very excited about the numbers and that he anticipates the numbers to go up next year with an open air trolley.

City Manager Chotkevys thanked the people in Laguna Beach for coordinating and working with the City. He stated that he really appreciates the spirit of cooperation between the two cities.

Mayor Pro Tem Tomlinson reported that he had ridden the trolley with his family and found it a very enjoyable experience. He stated that he liked the Laguna Beach shuttles waiting at the Ritz Carlton and felt that the trolleys were well spaced and timed. He added that he would like for the trolleys to continue.

Mayor Olvera felt that the mobile app was very helpful for people to time the trolleys.

Council Member Schoeffel felt that the trolley was a long time coming, and the beginning of what will be a successful mobility solution.

IT WAS MOVED BY MAYOR CARLOS N. OLVERA, SECONDED BY MAYOR PRO TEM JOHN A. TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE SUBJECT REPORT.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

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NOES: None

ABSENT: Council Member Richard A. Viczorek

- 15. CONTRACT AMENDMENT FOR NELSON/NYGAARD CONSULTING ASSOCIATES TO CONTINUE THEIR WORK ON THE TOWN CENTER/LANTERN DISTRICT PARKING AMENDMENTS AND PROVIDE TRANSPORTATION PLANNING SERVICES FOR THE DOHENY VILLAGE PLAN**

AUTHORIZED THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT WITH NELSON/NYGAARD CONSULTING ASSOCIATES IN ACCORDANCE WITH THE ATTACHED SCOPE OF WORK TO CONTINUE THEIR WORK ON PARKING AMENDMENTS TO THE TOWN CENTER/LANTERN DISTRICT PLAN AND TO PROVIDE TRANSPORTATION PLANNING SERVICES FOR THE DOHENY VILLAGE PLAN AND AUTHORIZED A BUDGET ADJUSTMENT.

- 16. SECOND READING FOR ZONE TEXT AMENDMENT ZTA15-0001 TO AMEND THE CITY'S ZONING ORDINANCE CHAPTER 9.26 AND CORRESPONDING APPENDIX "E", GENERALLY REFERRED TO AS "DANA POINT TOWN CENTER PLAN", TO ADDRESS PARKING REGULATIONS, AND TO CHANGE THE TITLE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN".**

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

City Manager Chotkevys provided a staff report.

Mayor Olvera opened the public comments.

Dana Yarger, Dana Point, stated that he appreciates the work that the Council does. He felt that the parking does not make sense and that there needs to be a destination parking structure. He added that when the high end retailers come to Del Prado, they will be competing with the shops in San Clemente. He stated that the City needs to find a way for the Town Center to be a destination with convenient parking.

Buck Hill, Capistrano Beach, thanked the City Council for the changes made at the last meeting with regard to residential parking. He stated that the plan seems extreme and risky and felt that the City may end up with too little parking. He stated that the City was taking a risk and rushing into approving this plan.

Betty Hill, Capistrano Beach, stated that the cities that Nelson Nygaard cited as having success are experiencing parking shortages. She added that it is the

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residents and businesses that are at risk and felt that people will prefer to street park.

Bob Theel, Dana Point, read a letter from John Chen of the Advent Company who was unable to attend. He encouraged the City Council to take action on the Parking Management Plan and to adopt workable parking programs and regulations.

Gary Newkirk, Dana Point, stated that the City needs to be careful about how the parking is addressed and be proactive about this. He added that we need to be confident that as the Town Center is built out that we are sure that there will be enough parking. He felt that people will not come if there is no parking.

Mayor Olvera closed the public comments.

Council Member Schoeffel stated that he appreciates the innovation and effort being shown. He added that parking is the lifeblood of any retail/entertainment area. He felt that a parking district requirement needs to be included as a backup and that he could not support this going forward.

Council Member Muller stated that the parking that is required is free public parking and that the City was trying to implement the idea of a park once and walk. He added that the current Code doesn't work. He felt that the Council had made a mistake on the residential side and created a parking requirement for a condo that has a larger parking requirement than a house. He added that he wanted to amend his motion to if you have an efficiency apartment or a one bedroom apartment you will be required to have one parking space, two bedroom or larger, two parking spaces.

Mayor Olvera stated that he would not rule out the need for a parking structure in the future. He added that he does not feel that the Council is rushing this and stated that there is a monitoring program built into the plan. He felt that the plan is flexible and that he would support Council Member Muller's motion.

Council Member Schoeffel clarified that this is the second reading, and that a change would make this a first reading.

Mayor Olvera replied that was correct, that this now becomes a first reading.

Council Member Muller asked for clarification on the statement of a parking district; is that where the businesses have to pay a fee for future parking.

Council Member Schoeffel replied that yes the affected owners are assessed and that the benefit comes when you develop the property. He stated that assessments are used to defray the cost of parking problems

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in the future and that the cost is spread amongst everyone not just those businesses that come in later.

City Manager Chotkevys stated that there is a lot of information on parking districts and asked Director of Community Development Luna-Reynosa to forward information to the Council.

IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY MAYOR CARLOS N. OLVERA, AMEND THE PARKING REQUIREMENTS FOR RESIDENTIAL PROJECTS TO ONE PARKING SPACE FOR EFFICIENCY APARTMENTS OR ONE BEDROOM CONDOMINIUMS AND TWO PARKING SPACES FOR TWO OR MORE BEDROOM UNITS AND INTRODUCE FOR A NEW FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA15-0001 TO AMEND THE CITY'S ZONING ORDINANCE; CHAPTER 9.26 AND CORRESPONDING APPENDIX "E" GENERALLY REFERRED TO AS THE "DANA POINT TOWN CENTER PLAN" TO ADDRESS PARKING REGULATIONS AND A TITLE CHANGE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN" AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: Council Member J. Scott Schoeffel

ABSENT: Council Member Richard A. Viczorek

17. PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL DEVELOPMENT COUNTER AND INSPECTION SERVICES

AUTHORIZED THE CITY MANAGER TO CONTINUE THE PROFESSIONAL SERVICES AGREEMENT WITH MELAD AND ASSOCIATES.

18. DOHENY VILLAGE LAND USE PLAN GEOTECHNICAL, AND SURVEYING SUPPORT AND FLOODPLAIN ANALYSIS CONSULTANT AGREEMENT

AUTHORIZED ADDITIONAL SURVEYING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH HALL AND FOREMAN; APPROVED GEOTECHNICAL SUPPORT EXPENDITURES; AND APPROVED

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THE HYDRAULIC STUDY AGREEMENT WITH JLC ENGINEERING AND CONSULTING, INCORPORATED AND ASSOCIATED FUNDING.

19. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND OPTICOS DESIGN, INC. FOR SERVICES RELATED TO THE CREATION OF A FORM BASED CODE FOR THE DOHENY VILLAGE AREA

AUTHORIZED THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND OPTICOS DESIGN, INC.

PUBLIC COMMENTS

Willa Porter, Dana Point, announced that on September 11 there will be a 911 Heroes Run at Sea Terrace Park at 6:00 p.m. She stated that a portion of the race proceeds will go back into the community to support local veterans, first responders, troops, and military families.

Patricia OKeefe, Capistrano Beach (Capo Cares) thanked the City Council for listening to Capo Cares and Doheny Village. She stated that they were concerned that they have not seen any funding for the project and for reserves. She thanked Lt. Chilton for holding his Chief chats.

Rick Erkeneff, Dana Point, thanked the City Manager and his staff for smashing the water conservation requirements. He stated that the City had saved 54% of potable water consumption in July, and that when the August numbers come out he will share those also. He reported that the Board had lifted the restriction of one day a week watering and that residents are allowed to go back to two days a week watering on Mondays and Thursdays, with businesses Wednesdays and Saturdays. He added that funds for turf removal have been exhausted but that there were other ways to conserve and save water.

City Manager Chotkevys thanked Rick Erkeneff and everyone at South Coast Water District for their support.

Stephen Wentrobski, Mission Viejo, spoke regarding the potential bankruptcy of the OCFA and their unfunded liability in OCERS. He recommended that the City seek an attorney opinion on what the City's liability would be.

Jim Miller, Dana Point, spoke regarding the TBID cancelling the IlluminOcean event. He felt that allowing the TBID to cancel the event was a mistake and that the City should not allow this to happen.

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Larry Robinson, Capistrano Beach, spoke regarding the bus yard and asked whether the City has reached out to Capistrano Unified School District in regards to a venture that would address the opportunity for kids to have a cultural teaching and music venue there that would be supported by the community.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel stated that the City had finished the concert series and felt that it was the best concert series ever. He thanked Director of Community Services and Parks Evans for his efforts and vision for the concerts.

Council Member Muller thanked staff for all of the hard work on the parking ordinance and the work that they do on all of the contracts to keep the City moving forward. He stated that the JPA for the Fire Authority eliminates all of the alternates and if the principal cannot attend, there is no voice on the board. He added that AB 1217 is not a dead bill and that the State could still take our voice away. He stated that he would turn in his list of meetings attended to the City Clerk.

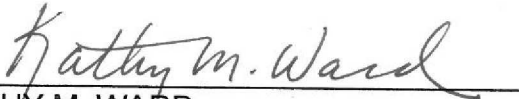
Mayor Pro Tem Tomlinson thanked the City and staff on the trolley report. He also thanked community and residents for conserving water. He added that he would turn in list of meetings attended to the City Clerk.

Mayor Olvera stated that he echoed Council Member Schoeffel's comments on the concert series. He added that he would turn in his list of meetings attended to the City Clerk.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Olvera declared the meeting adjourned at 9:04 p.m. and announced that the next Regular Meeting of the City Council will be September 15, 2015, 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 15, 2015

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Meetings attended since July 21, 2015:

Mayor Carlos N. Olvera

- July 23 - Staff on EverBlaze proposal
SONGS Community Involvement Panel
- July 24 - Shaar Art Studio ribbon cutting
- July 28 - Meeting with Mr. and Mrs. Wilgus
- July 31 - League of California Cities regional meeting
- August 1 - DPHS RHD Celebration
- August 13 - Doheny Charrette meeting
Historic Monuments meeting with Brad Fowler
Ribbon cutting for Bonded Cleaners
- August 15 - Lobster Fest
- August 18 - Chamber luncheon
- August 20 - Ribbon cutting Fitness together
Chamber mixer
- August 24 - Sober Living meeting at Assembly Member Brough's office
- August 28 - Ocean Institute cruise

Mayor Pro Tem John A. Tomlinson

- August 20 - Orange County Parks and Recreation
Dana Point Chamber of Commerce Mixer
- August 22 - Disaster Preparedness Expo
- August 28 - Meeting with Opticos
- August 31 - Meeting with Capo Beach Residents

Council Member Joseph L. Muller

- July 23 - OCFA Board Meeting
- August 4 - Tony Cardenas League of Cities
- August 12 - Dana Point Day at the Fair
- August 15 - Dana Point Lobster Fest
- August 18 - Chamber Luncheon with Congressman Issa
- August 20 - Chamber Mixer
- August 26 - Capo Unified Ad Hoc Meeting
- August 27 - OCFA Board Meeting
- August 28 - Meeting with Opticos

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Council Member J. Scott Schoeffel

- July 26 - Dana Point Summer Concerts 2015 concert at Sea Terrace Park (Turn The Page)
- July 28 - Spoke at the annual Sea Scout Quartermaster Awards held at the Ocean Institute
- August 2 - Dana Point Summer Concerts 2015 concert at Sea Terrace Park (Kenny Cetera's Chicago Experience)
- August 6 - Spoke at Pet Project Foundation's annual sponsor/underwriter event held at Barnoa Wine Bar in San Clemente
- August 9 - Dana Point Summer Concerts 2015 concert at Sea Terrace Park (Led Zepagain)
- August 12 - Transportation Corridor Agencies Procurement Ad Hoc Committee
- August 14 - Meeting with Senator Pat Bates, several Laguna Niguel Council Members, and Laguna Niguel City staff regarding sober living home and short term rental issues at the Laguna Hills Civic Center
- August 16 - Dana Point Summer Concerts 2015 concert at Heritage Park (Gino Walker & the Gang with Derek Bordeaux and Vivian Ross)
- August 23 - Dana Point Summer Concerts 2015 concert at Heritage Park (The Fabulous Ultra Tones)
- August 26 - Attend City of Dana Point – Capistrano Unified School District ("CUSD") Ad Hoc Committee meeting held at Dana Point City Hall
- August 30 - Attend and perform at Dana Point Summer Concerts 2015 concert at Heritage Park (Springsteen)
- September 9 – Spoke at Capistrano Unified School District Board of Trustees Meeting
- September 10 – Attended inaugural meeting of the Anaheim Creativity Council hosted by Mayor Tom Tait, Superintendent Linda Wagner, and NAMM held at the Honda Center in Anaheim, California
Attended meeting of the Doheny Village planning charrette with Opticos planners, CUSD trustees, CUSD Superintendent, and City staff