

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
SEPTEMBER 18, 2012  
5:00 P.M.**

## **AGENDA**

**Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629**

Next City Council Ordinance No. 12-07

### **CALL TO ORDER**

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

Lara Anderson, Mayor  
Steven Weinberg, Mayor Pro Tem  
Lisa A. Bartlett, Council Member  
William P. Brough, Council Member  
J. Scott Schoeffel, Council Member

### **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: The People of the State of California ex rel the City of Dana Point v. Beach Cities Collective, et al, Orange County Superior Court Case No. 30-2010-00352103

- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager  
Unrepresented and Represented Employees: All positions in City

- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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**RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.**

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

August Volunteer of the Month - Judy Henderson  
September Volunteers of the Month - Rachel and Richard Alonzo  
DAR Constitution Week  
Proclamation to Sgt. Brett Gardner

**CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

**1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY**

RECOMMENDED ACTION: That the City Council approve the reading by title only of all ordinances on the Consent Calendar and that further reading of such ordinances be waived.

**2. [SPECIAL MEETING MINUTES, JULY 12, 2012](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [REGULAR MEETING MINUTES, JULY 17, 2012](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**4. [PLANNING COMMISSION MEETING MINUTES, JULY 9, 2012](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [PLANNING COMMISSION MEETING MINUTES, JULY 23, 2012](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [PLANNING COMMISSION MEETING MINUTES, AUGUST 13, 2012](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 10, 2012**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

9. **CITY TREASURER'S REPORT, JULY AND AUGUST**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the months of July and August.

10. **CLAIMS AND DEMANDS**

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

11. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY11/12**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution 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 ROADWAY RESURFACING PROJECT FY11/12".

12. **AWARD OF CONTRACT FOR CUSTODIAL SERVICES FOR CITY FACILITIES**

RECOMMENDED ACTION: That the City Council 1) award a contract to OmniClean for Custodial Services at the Public Restrooms and PCH Pedestrian Bridge; 2) award contracts to ISS Facility Services Inc. for custodial services at City Hall, the Community Center and the Nature Interpretive Center; 3) authorize the City Manager to execute these one (1) year contracts; and 4) authorize the City Manager, at his discretion to extend these contracts for up to two one (1) year periods.

13. **HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 24531 LA CRESTA**

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners of the historic structure at 24531 La Cresta to participate in the State's Mills Act Program.

14. **LEASE AGREEMENT WITH DANA POINT HISTORICAL SOCIETY**

RECOMMENDED ACTION: That the City Council 1) approve a lease agreement between the City of Dana Point and the Dana Point Historical Society and; 2) authorize the City Manager to execute the lease Agreement, for one-year term with the option to extend the lease term for two additional one-year terms.

15. [NEW CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to approve a new contract agreement between All City Management Services, Inc. and the City of Dana Point for providing School Crossing Guard Services for the 2012-2013.

16. [CR&R TRASH FRANCHISE AGREEMENT BIENNIAL AUDIT CONTRACT WITH HF&H](#)

RECOMMENDED ACTION: That the City Council approve subject contract with HF&H.

17. [CONTRACT SERVICES DESIGN AGREEMENT AMENDMENT WITH ROMA DESIGN GROUP FOR TOWN CENTER SOUTH GATEWAY IMPROVEMENT DESIGN](#)

RECOMMENDED ACTION: That the City Council approve subject contract services design agreement amendment and 2) authorize the City Manager to execute the amendment.

18. [HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2013](#)

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

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

19. [AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE](#)

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

## **PUBLIC COMMENTS**

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of fifteen minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their

comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

## **PUBLIC HEARINGS**

20. [APPEAL OF PLANNING COMMISSION DECISION APPROVING COAST DEVELOPMENT PERMIT CDP12-0001 ALLOWING THE CONSTRUCTION OF A NEW 2350 SQUARE FOOT, SINGLE-STORY, SINGLE-FAMILY DWELLING \(INCLUDING A 550 SQUARE FOOT DETACHED GARAGED ON VACANT LAND LOCATED AT 32461 SEVEN SEAS DRIVE](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and take action to uphold the Planning Commission approval of a Coastal Development Permit CDP12-0001 by adopting a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL BY THE APPELLANT AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP12-0001.

21. [RE-APPORTIONMENT OF CITIZEN OPTIONS FOR PUBLIC SAFETY PROGRAM FUNDS FROM FY 2011/2012 – \(AB 1913\)](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and 1) adjust the FY 2012/13 budget with the re-appropriation of unencumbered Citizens Option for Public Safety (COPS) program unspent monies remaining from the FY 2011/12 budget, to the Supplemental Law Enforcement Service Fund (SLESF) account, and 2) appropriate funds from the SLESF to implement and maintain the following programs:

- Approve funding for the School Resource Officer position for this school year
- Approve funding for Project STOP (Stop Trashing Our Parks)
- Approve funding for Project **Hide It, Lock It, or Lose It**
- Approve funding for Project **It's Your Business**

## **UNFINISHED BUSINESS**

22. [SHORT TERM VACATION RENTALS](#)

RECOMMENDED ACTION: That the City Council review survey results and discuss information related to short term vacation rentals in Dana Point and provide direction to staff with regard to further action.

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## NEW BUSINESS

### 23. [2012-2013 DANA POINT YOUTH BOARD APPOINTMENTS](#)

RECOMMENDED ACTION: That the City Council consider appointments to fill eleven (11) expired terms on the Dana Point Youth Board with the remaining applicants appointed as Members At Large.

## PUBLIC COMMENTS (Continued)

## STAFF REPORTS

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

## COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: They are agendaized with a complete written report included; or, if an item arose subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendaized items may be presented as informational only.

## ADJOURNMENT

The next Regular Meeting of the City Council will be October 2, 2012, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

## CERTIFICATION

I, Kathy M. Ward, City Clerk of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office and the Dana Point Library by Thursday, September 13, 2012, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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DATE

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PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH A DISABILITY WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A MEETING, INCLUDING AUXILIARY AIDS OR SERVICES, MAY REQUEST SUCH MODIFICATION OR ACCOMMODATION FROM THE CITY CLERK AT (949) 248-3500 (TELEPHONE) OR (949) 248-9920 (FACSIMILE). NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THE MEETING.