

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



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

ACTION AGENDA

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

Next City Council Ordinance No. 12-07

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Anderson at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

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

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 (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

Mayor Anderson recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Anderson reconvened the meeting at 6:06 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; A. Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; 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.

Mayor Anderson stated that she would like to amend the Agenda, moving Item 23 to be heard directly after Public Comments.

City Manager Chotkevys announced that the appellant and the applicant had come to an agreement with regard to the proposed home at 32461 Seven Seas Drive and that the appeal had been withdrawn this afternoon.

IT WAS MOVED BY MAYOR ANDERSON, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL AMEND THE AGENDA TO REMOVE ITEM 20 FROM THE AGENDA AND MOVE ITEM 23 TO BE HEARD AFTER PUBLIC COMMENTS.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSENT: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by former Council Member William Bamattre.

INVOCATION

The Invocation was provided by Father Steve Sallot of St. Edwards Catholic Church.

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

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

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

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. SPECIAL MEETING MINUTES, JULY 12, 2012

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, JULY 17, 2012

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, JULY 9, 2012

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, JULY 23, 2012

RECEIVED AND FILED.

6. PLANNING COMMISSION MEETING MINUTES, AUGUST 13, 2012

RECEIVED AND FILED.

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

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, JULY AND AUGUST

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF JULY AND AUGUST.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED 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

ADOPTED **RESOLUTION 12-09-18-01** 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 ROADWAY RESURFACING PROJECT FY11/12".

12. AWARD OF CONTRACT FOR CUSTODIAL SERVICES FOR CITY FACILITIES

AWARDED A CONTRACT TO OMNICLEAN FOR CUSTODIAL SERVICES AT THE PUBLIC RESTROOMS AND PCH PEDESTRIAN BRIDGE; AWARDED CONTRACTS TO ISS FACILITY SERVICES INC. FOR CUSTODIAL SERVICES AT CITY HALL, THE COMMUNITY CENTER AND THE NATURE INTERPRETIVE CENTER; AUTHORIZED THE CITY MANAGER TO EXECUTE THESE ONE (1) YEAR CONTRACTS, AND AUTHORIZED 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

AUTHORIZED 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

APPROVED A LEASE AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE DANA POINT HISTORICAL SOCIETY, AND AUTHORIZED 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

AUTHORIZED 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

AWARDED A PROFESSIONAL SERVICES CONTRACT TO HF&H CONSULTANTS, LLC FOR A SOLID WASTE FRANCHISE PERFORMANCE AUDIT, AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT.

17. CONTRACT SERVICES DESIGN AGREEMENT AMENDMENT WITH ROMA DESIGN GROUP FOR TOWN CENTER SOUTH GATEWAY IMPROVEMENT DESIGN

APPROVED SUBJECT CONTRACT SERVICES DESIGN AGREEMENT AMENDMENT AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT.

18. HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2013

ADOPT RESOLUTION 12-09-18-02 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

ADOPTED RESOLUTION 12-09-18-03 ENTITLED:

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

PUBLIC COMMENTS

Bruce Ballantine
Adel Abusamra
Cliff Nathanson

23. 2012-2013 DANA POINT YOUTH BOARD APPOINTMENTS

This item was moved to be heard after Public Comments.

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL APPOINT THE FOLLOWING TO SERVE ON THE YOUTH BOARD:

ISABELLA DALTON
ALENA POWERS DAVIS
BRYCE DEC
ELENNA ERKENEFF
HUGH FITZMAURICE
MATTHEW LIM
JULIA LISLE
SARAH MARTINO
PATRICIA SCHUELKE
GRACE WILLETT
JORDAN HALL

APPOINTED AS MEMBERS AT LARGE:

AMANDA MEREDITH
JILLIAN PLOUFF

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSENT: None

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

This item was removed from the Agenda due to the appeal being withdrawn after a compromise had been agreed to.

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

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND 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 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***

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSENT: None

UNFINISHED BUSINESS

22. SHORT TERM VACATION RENTALS

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL DIRECT STAFF TO RETURN WITH ONE OR TWO SHORT TERM VACATION RENTAL PROGRAMS THAT PROVIDE A SET OF REGULATIONS AND THE COST/REVENUE TO REGULATE FOR THE CITY COUNCIL TO REVIEW BY THE NOVEMBER 20, 2012 CITY COUNCIL MEETING AT THE LATEST.

The motion carried by the following vote:

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

NOES: Mayor Lara Anderson

ABSENT: None

NEW BUSINESS

23. 2012-2013 DANA POINT YOUTH BOARD APPOINTMENTS

This item was moved to be heard after Public Comments.

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 Anderson adjourned the meeting at 9:32 p.m. She announced that the next Regular Meeting of the City Council will be held on October 2, 2012, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.