

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
NOVEMBER 20, 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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 cases)

Name of Case: Therese Coppi v. City of Dana Point; County of Orange – USDC Central District Case No. – SACV11-1813 JST (RNBx)

Name of Case: City of Dana Point v. California Coastal Commission, Surfrider Foundation, Headlands Reserve LLC; California Court of Appeal – 4th Appellate District – Division One Case No. D060260 (Consolidated with D060369)

Name of Case: Jeffrey M. Schwartz v. City of Dana Point – OCSC Case No. 30-2012-00558940

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Month Beverli Jinn
Dana Point Relay for Life Presentation

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. [REGULAR MEETING MINUTES, OCTOBER 16, 2012](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 24, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 8, 2012](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

5. [YOUTH BOARD MEETING MINUTES, OF OCTOBER 18, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [OCEAN WATER QUALITY MEETING MINUTES, JUNE 26, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

8. **CITY TREASURER'S REPORT, OCTOBER 2012**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of October, 2012.

9. **CLAIMS AND DEMANDS**

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

10. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE TOWN CENTER SOUTH GATEWAY PROJECT, PHASE III**

RECOMMENDED ACTION: That the City Council 1) approve the construction Contract Documents prepared for the "Town Center South Gateway Project"; 2) award a contract to KASA Construction for the construction of the Town Center South Gateway Project providing that the City Manager or his designee signs and administers the subject contract and may approve additional payment for change orders, contingencies, construction management services, soils and material testing, surveying and construction design support for the Project as noted in the Fiscal Impact section; 3) acknowledge the letter submitted by KASA Construction relative to an inadvertent clerical error that did not affect their total bid price; and 4) approve transfer funding as noted in the Fiscal Impact section.

11. **2012-2013 SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED JOB CLASSIFICATIONS; and

b) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING AND APPROVING THE POSITION TITLE, SALARY RANGE, AND CLASS SPECIFICATION FOR ACCOUNTING SUPERVISOR; and

c) Approve adjusted staffing levels related to the restructuring of the City's Administrative Services Department.

12. [RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE APPROVAL OF THE MEASURE M2 EXPENDITURE REPORT FOR FY 2011-2012](#)

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 THE RENEWED MEASURE M (M2) EXPENDITURE REPORT FOR FISCAL YEAR 2011-2012; and

2) authorize the Mayor to sign the Resolution on behalf of the City; and 3) direct staff to submit the Resolution for the City of Dana Point to the Orange County Transportation Authority (OCTA) to maintain eligibility in the Measure M2 program.

13. [INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING NEW CHAPTER 6.48 "VESSEL REGULATIONS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE REGULATING THE ANCHORING OF VESSELS WITHIN THE JURISDICTIONAL WATERS OF THE CITY OF DANA POINT, EXCLUDING DANA POINT HARBOR](#)

RECOMMENDED ACTION: That the City Council That the City Council introduce and hold the first reading of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING NEW CHAPTER 6.48 "VESSEL REGULATIONS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE REGULATING THE ANCHORING OF VESSELS WITHIN THE JURISDICTIONAL WATERS OF THE CITY OF DANA POINT, EXCLUDING DANA POINT HARBOR.

14. [RESPONSE TO QUESTIONS ON POSSIBLE USE OF THE CITY'S ARTS IN PUBLIC PLACES RESERVE FUND FOR THE DANA POINT SYMPHONY](#)

RECOMMENDED ACTION: That the City Council receive and file this report on the possible use of Arts & Culture Reserve Funds for the Dana Point Symphony.

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

There are no Public Hearings.

UNFINISHED BUSINESS

15. SHORT TERM VACATION RENTALS

RECOMMENDED ACTION: That the City Council review examples of short term vacation rental program regulations and cost/revenues of regulations related to short term vacation rentals and, if desired, direct staff to finalize a proposed Ordinance for consideration.

16. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2013

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2013 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2013 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

2) set the date for public hearing for renewal of the Dana Point Tourism Business Improvement District for December 4, 2012; and

3) receive and file the Quarterly Report.

NEW BUSINESS

There are no New Business items.

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 agendized 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-agendized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be December 4, 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, November 15, 2012, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

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.