

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JUNE 18, 2013  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 13-03

### **CALL TO ORDER**

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

Steven H. Weinberg, Mayor  
Lisa A. Bartlett, Mayor Pro Tem  
William P. Brough, Council Member  
Carlos N. Olvera, 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), (1 case):

Name of Case: Holistic Health - Orange County Superior Court Case No. 30-2010-00352106-CU-MC-CJC

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

Title: City Manager

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

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## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

Proclamation for Father Steve Sallot, St. Edward's Church

## 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, JUNE 4, 2013](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, MAY 13, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 10, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [ARTS AND CULTURE COMMISSION MEETING MINUTES, APRIL 17, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**7. [CITY TREASURER'S REPORT, MAY 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of May, 2013.

**8. [CLAIMS AND DEMANDS](#)**

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

9. **STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP)**

RECOMMENDED ACTION: That the City Council refer the SCIP program to the Investment Review Committee for their review and recommendation.

10. **ADOPTION OF A RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT WITH SOUTH COAST WATER DISTRICT FOR REIMBURSEMENT OF COSTS TO SOUTH COAST WATER DISTRICT TO CONTRUCT THE CITY'S STORM DRAIN IMPROVEMENT AS PART OF THE TOWN CENTER PHASE 1 PROJECT**

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 JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE REIMBURSEMENT OF COSTS TO SCWD TO CONSTRUCT THE CITY'S STORM DRAIN IMPROVEMENTS AS PART OF THE TOWN CENTER PHASE 1 PROJECT; and

2) authorize the City Manager to execute the agreement; and 3) authorize the City Manager to provide the construction cost deposit amount to SCWD (includes base bid plus a fifteen percent contingency) as indicated in the agreement.

11. **APPROVAL OF THE DANA POINT ZERO WASTE PUBLIC EDUCATION PROGRAM**

RECOMMENDED ACTION: That the City Council approve the Zero Waste Public Education Program.

12. **APPROVAL OF THE LEASING, OPERATION AND MAINTENANCE AGREEMENT FOR SURFACE RUNOFF OZONE TREATMENT PROJECT AT NORTH CREEK**

RECOMMENDED ACTION: That the City Council authorize the City Manager or his designee to enter into a Maintenance and Service Agreement with Quantum Ozone, Inc. for the urban runoff ozone treatment pilot process at North Creek.

13. **SUMMARY REPORT ON THE ACCOMPLISHMENTS OF THE DANA POINT ARTS AND CULTURE COMMISSION**

RECOMMENDED ACTION: That the City Council receive and file the status report on the Arts and Culture Commission.

14. **FACILITY USE AGREEMENT WITH SOUTH COAST WATER DISTRICT**

RECOMMENDED ACTION: That the City Council 1) approve the continued use of the City Council Chamber by the South Coast Water District for a period of one year and; 2) authorize the City Manager to execute the Facility Use Agreement defining the terms and costs associated with this use; and 3) authorize the City Manager to execute annual extensions of this agreement.

15. [CITY OF DANA POINT RESPONSE TO PROPOSED SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT \(SCAQMD\) ACTIONS IMPACTING THE NUMBER AND LOCATION OF FIRE RINGS AT BEACHES WITHIN THE CITY](#)

RECOMMENDED ACTION: That the City Council authorize the Mayor to send a letter to the Board of the South Coast Air Quality Management District (SCAQMD) urging it to honor the rule of local control and allow each agency the ability to regulate placement and control of fire rings within its jurisdiction.

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**

16. [AMENDMENT TO COASTAL DEVELOPMENT PERMIT CDP11-0003 AND ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT NO. 2010041056 FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETScape IMPROVEMENTS PROJECT](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AMENDMENT TO COASTAL DEVELOPMENT PERMIT CDP11-0003 AND ADDENDUM TO ENVIRONMENTAL IMPACT REPORT FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETScape IMPROVEMENTS PROJECT.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

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## 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 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 July 16, 2013, 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, June 13, 2013, 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.