

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



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

ACTION AGENDA

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

Next City Council Ordinance No. 13-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Weinberg at 5:02 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

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

City Attorney Munoz indicated that there was a need for Closed Session discussion and he stated that there was also a need to add an item under Conference with Legal Counsel – Existing Litigation, specifically Therese Coppi v. City of Dana Point; County of Orange – USDC Central District Case No. – SACV11-1813 JST (RNBx).

IT WAS MOVED BY MAYOR WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL ADD AN ITEM TO EXISTING LITIGATION.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

:

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

Mayor Weinberg recessed the meeting into a Closed Session at 5:04 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

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

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Sgt. Brian Irish, Police Services; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Matthew Sinacori, City Engineer; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; Mark Sutton, Building Official; John Tilton, City Architect; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz reported that the City Council had not concluded their discussion in Closed Session and that they would need to adjourn to Closed Session at the conclusion of the City Council meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Bartlett.

INVOCATION

The Invocation was provided by Father Steve Sallot of St. Edward's Church.

PRESENTATIONS AND PROCLAMATIONS

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

CONSENT CALENDAR

Council Member Brough removed Items 11, 13, and 15 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 11, 13, AND 15.

The motion carried by the following vote:

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

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. REGULAR MEETING MINUTES, JUNE 4, 2013

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 13, 2013

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 10, 2013

RECEIVED AND FILED.

5. ARTS AND CULTURE COMMISSION MEETING MINUTES, APRIL 17, 2013

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, MAY 2013

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF MAY, 2013.

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP)

REFERRED 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

ADOPTED **RESOLUTION 13-06-18-01** 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

AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND AUTHORIZED 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

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL APPROVE THE ZERO WASTE PUBLIC EDUCATION PROGRAM.

The motion carried by the following vote:

AYES: Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

NOES: Council Member William Brough

ABSENT: None

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

AUTHORIZED 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

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL RECOMMEND THAT THE ARTS AND CULTURE COMMISSION MEET ON A QUARTERLY BASIS OR AS NEEDED AND APPOINTED COUNCIL MEMBER SCHOEFFEL TO REVIEW THE APPLICATIONS AND PROVIDE RECOMMENDATIONS TO THE CITY COUNCIL FOR APPOINTMENT.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

14. FACILITY USE AGREEMENT WITH SOUTH COAST WATER DISTRICT

APPROVED THE CONTINUED USE OF THE CITY COUNCIL CHAMBER BY THE SOUTH COAST WATER DISTRICT FOR A PERIOD OF ONE YEAR, AUTHORIZED THE CITY MANAGER TO EXECUTE THE FACILITY USE AGREEMENT DEFINING THE TERMS AND COSTS ASSOCIATED WITH THIS USE, AND AUTHORIZED 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

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY COUNCIL MEMBER OLVERA, 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.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

PUBLIC COMMENTS

Bob Fowler
Morrie Hansen
Penny Maynard
Joe Snyder

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 13-06-18-02** 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.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

CLOSED SESSION (Continued)

Mayor Weinberg adjourned the meeting to Closed Session at 6:58 p.m.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:38 p.m. and announced that the next Regular Meeting of the City Council will be held on July 16, 2013, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.