

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JULY 16, 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 LABOR NEGOTIATOR, Government Code § 54957.6

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

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

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

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 26315 and 26351 Via Canon
Agency Negotiator: Douglas C. Chothevys
Negotiating Parties: City of Dana Point and Integral Communities
Under Negotiation: Price and terms of agreement relating to property

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month, July 2013 - Luciana's Ristorante
Employee of the Month, July 2013 - Rachel Johnson

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 18, 2013](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JUNE 10, 2013](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF JULY 8, 2013](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [DANA POINT DESTINY MINUTES, MARCH 21, 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, JUNE 2013](#)

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

8. [CLAIMS AND DEMANDS](#)

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

9. [STATUS UPDATE AND BID RESULTS FOR SOUTH COAST WATER DISTRICT'S PCH/DEL PRADO STREET IMPROVEMENTS PHASE 1 PROJECT FOR CITY STORM DRAIN](#)

RECOMMENDED ACTION: That the City Council receive and file this Town Center Status Update, including bid results for the SCWD Town Center Infrastructure Improvements Phase 1 Project.

10. [APPROVAL TO SPEND EXISTING AND ANTICIPATED CITIZEN OPTIONS FOR PUBLIC SAFETY \(COPS\) PROGRAM FUNDS \(AB 1913\) TO IMPLEMENT AND MAINTAIN FRONTLINE MUNICIPAL POLICE SERVICES](#)

RECOMMENDED ACTION: That the City Council 1) adjust the FY 2013/14 budget with the re-appropriation of unencumbered Citizens Option for Public Safety (COPS) program unspent monies remaining from the FY 2012/13 budget, to the Supplemental Law Enforcement Service Fund (SLESF) account, and 2) allow the appropriation of existing and future funds from the COPS/SLESF to implement and maintain the following programs in the City of Dana Point:

- Approve funding for overtime backfill 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**

11. [SECOND CONTRACT EXTENSION FOR THE ENVIRONMENTAL SERVICES PROVIDED BY LSA ASSOCIATES FOR THE SOUTH SHORES CHURCH EXPANSION PROJECT](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute second extension to the Consultant Services Agreement with LSA Associates.

12. **APPROVAL OF TREE TRIMMING CONTRACT WITH WEST COAST ARBORISTS**

RECOMMENDED ACTION: That the City Council 1) approve staff's request to piggyback on the City of Costa Mesa's competitive bid process for tree maintenance services, 2) award a five year contract to West Coast Arborists in an amount not-to-exceed the Council approved budget for tree maintenance, and 3) authorize the City Manager to execute the agreement.

13. **AWARD BID TO PRINT, BIND AND DISTRIBUTE THE QUARTERLY PUBLICATION OF THE CITY OF DANA POINT'S COMMUNITY NEWS**

RECOMMENDED ACTION: That the City Council 1) approve a one (1) year contract with Advanced Web Offset, Inc.; 2) authorize the City Manager to execute three (3) one-year extensions to Advanced Web Offset Inc. with a ten percent (10%) increase to cover increases in material and production costs and 3) authorize the City Manager to execute the contract.

14. **AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT CONTRACT**

RECOMMENDED ACTION: That the City Council approve the Mayor's recommendations for amending the City Manager's employment contract.

15. **DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR APRIL – JUNE 2013**

RECOMMENDED ACTION: That the City Council receive and file this quarterly report.

16. **ARTS AND CULTURE COMMISSION APPOINTMENTS**

RECOMMENDED ACTION: That the City Council approve the recommended appointments to the Arts and Culture Commission by Council Member Schoeffel.

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

17. 2013 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and, thereafter, adopt a Resolution confirming the Cost Report and providing for the collection on the regular tax bill entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

UNFINISHED BUSINESS

There are no Unfinished Business items.

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 August 6, 2013 (If needed), 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, July 11, 2013, 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.