

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JULY 16, 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 5:03 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 a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d2), (1 case)

City Attorney Munoz corrected the Government Code reference from (b1) to (d2).

- 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 –

4<sup>th</sup> 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. Chotkevys  
Negotiating Parties: City of Dana Point and Integral Communities  
Under Negotiation: Price and terms of agreement relating to property

Mayor Weinberg recessed the meeting into a Closed Session at 5:05 p.m. pursuant to Government Code Section 54956 et seq.

## **RECONVENE CITY COUNCIL MEETING – CALL TO ORDER**

Mayor Weinberg reconvened the meeting at 6:31 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; Lt. Lynn Koehmstedt; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; 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 Jennifer Ransom, City Clerk Specialist.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz announced that in connection with the existing litigation involving the Coastal Commission, the City Council authorized, by unanimous vote, to pursue a petition for review with the Supreme Court of the Appellate Court's decision.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Carlos N. Olvera.

## **INVOCATION**

The Invocation was provided by Associate Pastor/ Recovery Jens Christy of Capo Beach Church.

## **PRESENTATIONS AND PROCLAMATIONS**

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

Kathy M. Ward, City Clerk - Recognition for Attaining Master Municipal Clerk Designation

## **CONSENT CALENDAR**

Council Member William Brough removed item 9, Mayor Pro Tem Lisa Bartlett removed item 10, and a member of the public removed item 16 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM LISA BARTLETT, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9, 10, AND 16.

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 18, 2013**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, JUNE 10, 2013**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF JULY 8, 2013**

RECEIVED AND FILED.

**5. DANA POINT DESTINY MINUTES, MARCH 21, 2013**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CITY TREASURER'S REPORT, JUNE 2013**

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

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED 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**

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER CARLOS N. OLVERA, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL RECEIVE AND FILE THE TOWN CENTER STATUS UPDATE, INCLUDING BID RESULTS FOR THE SCWD TOWN CENTER INFRASTRUCTURE IMPROVEMENTS PHASE 1 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

**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**

Mayor Pro Tem Bartlett removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT AND SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL 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 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**

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

**11. SECOND CONTRACT EXTENSION FOR THE ENVIRONMENTAL SERVICES PROVIDED BY LSA ASSOCIATES FOR THE SOUTH SHORES CHURCH EXPANSION PROJECT**

AUTHORIZED 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**

APPROVED STAFF'S REQUEST TO PIGGYBACK ON THE CITY OF COSTA MESA'S COMPETITIVE BID PROCESS FOR TREE MAINTENANCE SERVICES, AWARDED A FIVE YEAR CONTRACT TO WEST COAST ARBORISTS IN AN AMOUNT NOT-TO-EXCEED THE COUNCIL APPROVED BUDGET FOR TREE MAINTENANCE, AND AUTHORIZED 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**

APPROVED A ONE (1) YEAR CONTRACT WITH ADVANCED WEB OFFSET, INC., AUTHORIZED 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 AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT.

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

APPROVED 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**

RECEIVED AND FILED THIS QUARTERLY REPORT.

## 16. ARTS AND CULTURE COMMISSION APPOINTMENTS

A member of the public removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM BROUGH, AND SECONDED BY MAYOR PRO TEM LISA BARTLETT, THAT THE CITY COUNCIL APPROVE THE RECOMMENDED APPOINTMENTS TO THE ARTS AND CULTURE COMMISSION BY COUNCIL MEMBER SCOTT SCHOEFFEL.

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

Pamela Schuzer  
Alan Wickstrom  
Megan McLaurin

## PUBLIC HEARINGS

### 17. 2013 WEED ABATEMENT PROGRAM

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA BARTLETT, THAT THE CITY COUNCIL CONDUCT A HEARING ON THE WEED ABATEMENT COST REPORT AND, THEREAFTER, ADOPT **RESOLUTION 13-07-16-01** 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.*

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**

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:36 p.m. and announced that the next Regular Meeting of the City Council will be September 17, 2013, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.