

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 17, 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 – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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)

- 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 REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 26315 and 26351 Via Canon
Agency Negotiator: Douglas C. Chotkevys, Mike Killebrew, Ursula Luna-Reynosa
Negotiating Parties: City of Dana Point and Brandywine Homes; Integral Communities; and Stonefield Development
Under Negotiation: Price and terms of a possible 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 – Dana Wharf Sportfishing and Fish for Life

Employee of the Month – Chris Lea

Daughters of the American Revolution (DAR) Constitution Week

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, JULY 16, 2013](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [SPECIAL MEETING MINUTES, JULY 22, 2013](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [SPECIAL MEETING MINUTES, JULY 30, 2013](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

5. [PLANNING COMMISSION MEETING MINUTES, JUNE 24, 2013](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [PLANNING COMMISSION MEETING MINUTES, JULY 8, 2013](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

7. **PLANNING COMMISSION MEETING MINUTES, JULY 22, 2013**

RECOMMENDED ACTION: That the City Council approve the minutes.

8. **PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 9, 2013**

RECOMMENDED ACTION: That the City Council receive and file.

9. **ARTS AND CULTURE COMMISSION MEETING MINUTES, MAY 28, 2013**

RECOMMENDED ACTION: That the City Council receive and file.

10. **ARTS AND CULTURE COMMISSION MEETING MINUTES, JUNE 19, 2013**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

12. **CITY TREASURER'S REPORT, JULY AND AUGUST 2013**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the months of July and August, 2013.

13. **CLAIMS AND DEMANDS**

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

14. **AUTHORIZATION TO PREPURCHASE COMPETITIVELY BID TRAFFIC SIGNAL POLES FOR THE PCH/DEL PRADO IMPROVEMENT PROJECT PHASE 1 (CIP #1242) AND STATUS UPDATE FOR THE PROJECT**

RECOMMENDED ACTION: That the City Council 1) approve the prepurchase and storage of signal poles needed to complete the PCH/Del Prado Street Improvement Project Phase 1 (Project) from Walters Wholesale based on the bids received; and 2) approve the Consultant Service Agreement with Psomas for construction support services and design modifications and authorize the City Manager to execute said Agreement; and 3) receive and file project status report.

15. **2013-2014 DANA POINT YOUTH BOARD APPOINTMENTS**

RECOMMENDED ACTION: That the City Council appoint eleven (11) Board Members and six (6) Members At-Large to the Dana Point Youth Board.

16. **AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT – FY13/14 PHASE 1 PROJECT**

RECOMMENDED ACTION: That the City Council 1) approve the construction contract documents required for the “Annual Residential Roadway Resurfacing FY 13/14 Phase 1 Project”; 2) approve award of a contract to RJ Noble Company for the construction of the Annual Residential Roadway Resurfacing FY 13/14 Phase 1 Project, providing that the City Manager or his designee signs and administers the subject contract and may approve additional payment for change orders, contingencies, management services, soils and material testing, surveying, and construction design support for the Project; and 3) authorize the funding transfer.

17. **ADOPTION OF A RESOLUTION ACCEPTING THE UPDATED 2013 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACCEPTING THE 2013 SOUTH ORANGE COUNTY INTEGRATED WATERSHED MANAGEMENT PLAN.

18. **APPROVE THE RENEWAL OF AN AGREEMENT WITH SOUTH COAST WATER DISTRICT TO CONTINUE TO OPERATE THE STORM DRAIN DIVERSION AT STRAND BEACH TO IMPROVE WATER QUALITY**

RECOMMENDED ACTION: That the City Council 1) approve an Agreement renewal between the City of Dana Point and the South Coast Water District for the City of Dana Point’s Interim Use of Facilities to Divert Dry Weather Flows from Strand Beach via diversion; and 2) authorize the City Manager or his designee to sign the Agreement.

19. **2013-14 SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS, HEALTH BENEFIT ALLOWANCE FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS, AND MERIT INCREASES FOR ELIGIBLE NON-REPRESENTED EMPLOYEES**

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 CLASSIFICATIONS AND AUTHORIZING MERIT INCREASES FOR ELIGIBLE NON-REPRESENTED EMPLOYEES; and

b) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING THE EMPLOYER-PAID MEMBER CONTRIBUTIONS FOR NON-REPRESENTED CLASSIFICATIONS; and

c) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO TAX DEFER MEMBER PAID CONTRIBUTIONS – IRS SECTION 414(h)(2).

20. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PUBLIC WORKS RENOVATION PROJECT

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED “PUBLIC WORKS RENOVATION PROJECT”.

21. AWARD OF CONTRACT FOR FINANCIAL SOFTWARE

RECOMMENDED ACTION: That the City Council award a contract for a new financial system and implementation services to Tyler Technologies for the INCODE system and authorize the City Manager to execute the contract on the City’s behalf.

22. RESOLUTION RESTRICTING SKATEBOARDING AND SIMILAR ACTIVITIES ON SEVERAL PUBLIC STREETS PER THE DANA POINT MUNICIPAL CODE

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RESTRICTING SKATEBOARDING ON CERTAIN PUBLIC STREETS PER DANA POINT MUNICIPAL CODE SECTION 4.02.014; and

2) authorize the Mayor to sign the Resolution on behalf of the City.

23. OPPOSITION TO AB 604 (AMMIANO)

RECOMMENDED ACTION: That the City Council authorize the Mayor to send a letter in opposition to Assembly Bill 604 (Ammiano), commonly known as the “Medical Cannabis Regulation and Control Act” which, if passed, would allow the for-profit commercial sale of medical marijuana.

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

24. [PUBLIC HEARING REGARDING THE DISPOSITION OF 26351 AND 26315 VIA CANON AND MAKE THE NECESSARY FINDINGS PURSUANT TO GOVERNMENT CODE § 38501-38510](#)

RECOMMENDED ACTION: That the City Council 1) hold a Public Hearing to consider the disposition of 26351 and 26315 Via Canon and make the necessary findings pursuant to Government Code § 38501-38510 and 2) adopt a Resolution entitled:

A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO HEAR AND PASS ON OBJECTIONS REGARDING ITS INTENT TO DISPOSE OF 26351 AND 26315 VIA CANON AND MAKING THE NECESSARY FINDINGS PURSUANT TO GOVERNMENT CODE § 38501-38510.

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 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 October 1, 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, September 12, 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.