

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 17, 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 5:00 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 – 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

There was a consensus of the City Council to add the Lighthouse Charitable Foundation as a negotiating party to Item C.

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;
Stonefield Development; and Lighthouse Charitable Foundation
Under Negotiation: Price and terms of a possible agreement relating to property

Mayor Weinberg recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:17 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; Robert Sedita, Management Analyst; 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 stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Brough.

INVOCATION

The Invocation was provided by Associate Pastor Rob De Klotz of South Shores Church.

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

Council Member Olvera removed Item 15 and staff removed Item 22 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 15 AND 22.

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, JULY 16, 2013

APPROVED THE MINUTES.

3. SPECIAL MEETING MINUTES, JULY 22, 2013

APPROVED THE MINUTES.

4. SPECIAL MEETING MINUTES, JULY 30, 2013

APPROVED THE MINUTES.

5. PLANNING COMMISSION MEETING MINUTES, JUNE 24, 2013

RECEIVED AND FILED.

6. PLANNING COMMISSION MEETING MINUTES, JULY 8, 2013

APPROVED THE MINUTES.

7. PLANNING COMMISSION MEETING MINUTES, JULY 22, 2013

APPROVED THE MINUTES.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

11. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

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

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF JULY AND AUGUST, 2013.

13. CLAIMS AND DEMANDS

RECEIVED AND FILED 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

APPROVED 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 APPROVE THE CONSULTANT SERVICE AGREEMENT WITH PSOMAS FOR CONSTRUCTION SUPPORT SERVICES AND DESIGN MODIFICATIONS AND AUTHORIZE THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND RECEIVE AND FILE PROJECT STATUS REPORT.

15. 2013-2014 DANA POINT YOUTH BOARD APPOINTMENTS

Council Member Olvera removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL APPOINT ELEVEN (11) BOARD MEMBERS AND SIX (6) MEMBERS AT-LARGE TO THE DANA POINT YOUTH BOARD.

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

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

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE “ANNUAL RESIDENTIAL ROADWAY RESURFACING FY 13/14 PHASE 1 PROJECT”; APPROVED 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 AUTHORIZED THE FUNDING TRANSFER.

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

ADOPTED RESOLUTION 13-09-17-01 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

APPROVED 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 AUTHORIZED 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

ADOPTED RESOLUTION 13-09-17-02 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

ADOPTED RESOLUTION 13-09-17-03 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

ADOPTED RESOLUTION 13-09-17-04 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

ADOPTED RESOLUTION 13-09-17-05 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

AWARDED 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

Staff had removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL ADOPT **RESOLUTION 13-09-17-06** AS AMENDED 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

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY.

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

23. OPPOSITION TO AB 604 (AMMIANO)

AUTHORIZED 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.

PUBLIC COMMENTS

Paul Gavin
Joe Snyder
Barbara Johannes
Gene Burrus
Terry Goller
Cheryl Wiese

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

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR WEINBERG, THAT THE CITY COUNCIL 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 ADOPT **RESOLUTION 13-09-17-07** 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.

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 7:41 p.m. in the memory of Teresa Carraturo who would have begun her 34th year of working for the school district where she worked as a campus supervisor and a liaison for the Spanish speaking community. He announced that 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.