

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 5, 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 (d)(1), (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 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, and Lighthouse Charitable Foundation
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 – The Real Deli

Employees of the Month – Deputy Kami Horvath and Fire Captain Aaron Clark

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, OCTOBER 15, 2013](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 23, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION MEETING MINUTES, OCTOBER 14, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 28, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, MAY 28, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **[OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, SEPTEMBER 24, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

8. **[MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)**

RECOMMENDED ACTION: That the City Council receive and file.

9. **CLAIMS AND DEMANDS**

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

10. **SECOND READING AND ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION OF THE CALIFORNIA PLUMBING CODE, 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2013 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA ENERGY CODE, 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.14, 8.16, 8.20, 8.24, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION OF THE CALIFORNIA PLUMBING CODE, 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2013 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA ENERGY CODE, 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

11. **DANA POINT BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2014**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2014 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2014 CALENDAR YEAR FOR THE DANA POINT BUSINESS IMPROVEMENT DISTRICT (TBID);
and

2) Set the date for Public Hearing for renewal of the Dana Point Tourism Business Improvement District on December 3, 2013.

12. STATUS UPDATE FOR THE PCH/DEL PRADO STREET IMPROVEMENT PROJECT PHASE 1 (CIP #1242)

RECOMMENDED ACTION: That the City Council receive and file Project Status Report.

13. ADOPT A RESOLUTION AUTHORIZING THE CITY OF DANA POINT TO SUBMIT A COAST HIGHWAY CLASS 1 BIKEWAY/PEDSTRIAN WAY BICYCLE CORRIDOR IMPROVEMENT PROGRAM (BCIP) GRANT APPLICATION TO OCTA

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY OF DANA POINT TO SUBMIT A COAST HIGHWAY CLASS 1 BIKEWAY/PEDESTRIAN WAY BICYCLE CORRIDOR IMPROVEMENT PROGRAM (BCIP) GRANT APPLICATION TO OCTA; and

2) authorize the City Manager to sign all needed documentation under the program as previously approved by the Resolution.

14. RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE APPROVAL OF THE MEASURE M (M2) EXPENDITURE REPORT FOR FISCAL YEAR 2012-2013

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE RENEWED MEASURE M (M2) EXPEDITURE REPORT FOR FISCAL YEAR 2012-2013; and

2) authorize the Mayor to sign the Resolution on behalf of the City; and 3) direct staff to submit the Resolution for the City of Dana Point to the Orange County Transportation Authority (OCTA) to maintain eligibility in the Measure M (M2) program.

15. AWARD OF CONTRACT FOR CUSTODIAL SERVICES FOR THE COMMUNITY CENTER AND NATURE INTERPRETIVE CENTER

RECOMMENDED ACTION: That the City Council 1) award a contract to OMNI Enterprise, Inc. for custodial services at the Community Center and the Nature Interpretive Center; 2) authorize the City Manager to execute this one-year contract; and 3) authorize the City Manager, at his discretion, to extend this contract for up to two, one-year periods.

16. ULTRASYSTEMS ENVIRONMENTAL CONTRACT EXTENSION FOR ENVIRONMENTAL SERVICES RELATED TO THE PROPOSED DOHENY HOTEL PROJECT

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an extension to the Consultant Services Agreement with UltraSystems.

17. EMERGENCY AMBULANCE SERVICES

RECOMMENDED ACTION: That the City Council 1) consider retaining the authority to award a contract for Emergency Ambulance Services, and 2) authorize the City Manager to execute and transmit to the Orange County Fire Authority (OCFA) all appropriate documentation to that effect.

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

There are no Public Hearing items.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

18. SELECTION OF AN ENTITY AND AUTHORIZATION TO ENTER INTO AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH SELECTED ENTITY FOR THE DISPOSITION OF 26351 AND 26315 VIA CANON

[Part 2 \(Pages 82-122\)](#)

[Part 3 \(Pages 123-181\)](#)

[Part 4 \(Pages 182-243\)](#)

RECOMMENDED ACTION: That the City Council select one of the four proposals for the purchase of 26351 and 26315 Via Canon and authorize and direct the City Manager to enter into an Exclusive Negotiating Rights Agreement (ENRA) with the selected entity.

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 November 19, 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, October 31, 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.