

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 5, 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 (*Arrived at 5:03 p.m.*)

CLOSED SESSION

City Attorney Munoz indicated that there was a need for Closed Session discussion and he stated that there was also a need to add an item titled "Conference with Legal Counsel – Existing Litigation".

THERE WAS A CONSENSUS OF THE CITY COUNCIL TO ADD THE ITEM AS EXISTING LITIGATION.

- 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

D. 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)

Mayor Weinberg recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government
Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:03 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; John Tilton, City Architect; Mark Sutton, Building Official; 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 Joe Masi, a Council Member from Middletown, New York.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – The Real Deli

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

CONSENT CALENDAR

Item 12 was removed from the Consent Calendar by a member of the public.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 12.

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, OCTOBER 15, 2013

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 23, 2013

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, OCTOBER 14, 2013

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 28, 2013

RECEIVED AND FILED.

6. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, MAY 28, 2013

RECEIVED AND FILED.

7. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, SEPTEMBER 24, 2013

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED 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

HELD A SECOND READING AND ADOPTED **ORDINANCE 13-03** 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

ADOPTED **RESOLUTION 13-11-05-01** 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

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)

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

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL RECEIVE AND FILE THIS STATUS UPDATE.

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

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

ADOPTED **RESOLUTION 13-11-05-02** 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

AUTHORIZED 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

ADOPTED **RESOLUTION 13-11-05-03** 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

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND DIRECTED 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

AWARDED A CONTRACT TO OMNI ENTERPRISE, INC. FOR CUSTODIAL SERVICES AT THE COMMUNITY CENTER AND THE NATURE INTERPRETIVE CENTER; AUTHORIZED THE CITY MANAGER TO EXECUTE THIS ONE-YEAR CONTRACT; AND AUTHORIZED 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

AUTHORIZED THE CITY MANAGER TO EXECUTE AN EXTENSION TO THE CONSULTANT SERVICES AGREEMENT WITH ULTRASYSTEMS.

17. EMERGENCY AMBULANCE SERVICES

CONSIDERED RETAINING THE AUTHORITY TO AWARD A CONTRACT FOR EMERGENCY AMBULANCE SERVICES, AND AUTHORIZED THE CITY MANAGER TO EXECUTE AND TRANSMIT TO THE ORANGE COUNTY FIRE AUTHORITY (OCFA) ALL APPROPRIATE DOCUMENTATION TO THAT EFFECT.

PUBLIC COMMENTS

Joe Masi
Todd Glenn

PUBLIC HEARINGS

There were no Public Hearing items.

UNFINISHED BUSINESS

There were 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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR WEINBERG, THAT THE CITY COUNCIL SELECT THE LIGHTHOUSE CHARITABLE FOUNDATION 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 LIGHTHOUSE CHARITABLE FOUNDATION.

The motion carried by the following vote:

AYES: Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

NOES: Council Member William Brough and Council Member Carlos N. Olvera

ABSENT: None

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 8:10 p.m. in honor of Brad Gross becoming the first person in the 65-year history of the California Association of Harbor Masters and Port Captains to earn his third title as State Harbor Master of the Year. He announced that the next Regular Meeting of the City Council will be held on December 3, 2013, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.