

# CITY OF DANA POINT

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## **CITY COUNCIL REGULAR MEETING**



**TUESDAY  
DECEMBER 3, 2013  
5:00 P.M.**

## **AGENDA**

**Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629**

Next City Council Ordinance No. 13-04

## **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.**

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## RECONVENE CITY COUNCIL MEETING

### PLEDGE OF ALLEGIANCE

### INVOCATION

### PRESENTATIONS AND PROCLAMATIONS

December's Business of the Month – Jimmy's Famous American Tavern

### 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, NOVEMBER 5, 2013](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 28, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 18, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [YOUTH BOARD MEETING MINUTES, OCTOBER 17, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

**7. [CITY TREASURER'S REPORT, OCTOBER 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer Report for the month of October, 2013.

8. **CLAIMS AND DEMANDS**

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

9. **SOLID WASTE FRANCHISE AGREEMENT SECOND AMENDMENT TO CONSIDER ADDING ON-CALL RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE PICKUP SERVICE**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE AGREEMENTS BETWEEN THE CITY OF DANA POINT AND CR&R INCORPORATED FOR SOLID WASTE HANDLING SERVICES AND FOR COLLECTION AND HANDLING OF TEMPORARY WASTE;

and authorize the City Manager to execute the proposed contract amendment (Second Amendment) to the City of Dana Point's (City) Solid Waste Franchise Agreements (Agreements) with CR&R, Inc. (CR&R) to provide: (1) on-call Household Hazardous Waste (HHW) pick up and disposal service, and (2) additional Cart residential replacement advertisement as an additional level of services to benefit the residents of the City.

10. **AMENDMENT OF CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. FOR ENVIRONMENTAL SERVICES RELATED TO A PROPOSED PROJECT LOCATED AT 34202 DEL OBISPO**

RECOMMENDED ACTION: That the City Council approve an amendment (the "First Amendment") to the Agreement for Consultant Services by and between the City of Dana Point and LSA Associates, Inc., and authorize the City Manager to execute the First Amendment.

11. **APPROVAL OF REVISIONS TO RECORDS RETENTION SCHEDULES**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING REVISED RECORDS RETENTION SCHEDULES FOR CERTAIN CITY DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

12. **PCH/DEL PRADO STATUS REPORT AND TOWN CENTER BRANDING**

RECOMMENDED ACTION: That the City Council receive and file the PCH/Del Prado Status Report and approve branding the Town Center retail/commercial district as the "Lantern District".

13. **DISPOSITION OF NON-ESSENTIAL CITY RECORDS**

RECOMMENDED ACTION: That the City Council approve the 2013 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

14. **APPROVAL OF A PURCHASE AND SALE AGREEMENT BY AND BETWEEN LIGHTHOUSE CHARITABLE FOUNDATION, INC. AND THE CITY OF DANA POINT FOR THE DISPOSITION OF THE PROPERTY COMMONLY REFERRED TO AS 26351 AND 26315 VIA CANON**

15. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE PCH/DEL PRADO STREETSCAPE IMPROVEMENT PROJECT PHASE 1A PROJECT**

RECOMMENDED ACTION: That the City Council (1) approve the construction Contract Documents required for the PCH/Del Prado Streetscape Improvement Phase 1A Project (CIP #1242); and (2) approve award of a contract (Action Document A) to Los Angeles Engineering, Incorporated for construction of the PCH/Del Prado Streetscape Improvement Phase 1A Project (CIP #1242), 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 as noted in the Fiscal Impact Section; (3) authorize the City Manager to process the First Amendment to Agreement with Psomas (Action Document B) for additional construction/ design support services from Psomas/ROMA per the Fiscal Impact Section; (4) authorize the City Manager to process and sign a Consultant Services Agreement with Constructive Community Relations, Incorporated in the not-to-exceed amount outlined the Fiscal Impact Section; (5) authorize the City Manager to pay SDG&E for installation of new street lighting system for this Phase of the Project, currently estimated at approximately \$175,000; (6) authorize additional surveying services per the as-needed Consultant Services Agreement with Hall and Foreman and materials testing services per the Fiscal Impact Section; and (7) authorize additional materials testing services per the as-needed Consultant Services Agreement with GMU Geotechnical and materials testing services per the Fiscal Impact Section.

16. **AMENDMENT TO ORANGE COUNTY FIRE AUTHORITY AGREEMENT – EQUITY**

RECOMMENDED ACTION: That the City Council approve the Orange County Fire Authority's Second Amendment to the Amended Joint Powers Authority (JPA) Agreement and authorize the City Manager to execute the submitted Second Amendment to the Amended Orange County Fire Authority JPA Agreement.

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**

### **17. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2014 WITH RELATED CONTRACT**

That the City Council 1) conduct a Public Hearing and 2) adopt a Resolution entitled:

A RESOLUTION 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 TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

3) That the City Council authorize the City Manager to execute a contract with Agency 51 for 2014 Marketing Services on behalf of the Dana Point Tourism Business Improvement District (TBID).

### **18. GENERAL PLAN AMENDMENT (GPA13-0001) TO UPDATE THE HOUSING ELEMENT**

RECOMMENDED ACTION: That the City Council 1) conduct the Public Hearing; 2) adopt a Resolution approving the Negative Declaration for the updated Housing Element entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO ADOPT A NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT (GPA13-0001) TO UPDATE THE HOUSING ELEMENT; and

3) adopt a Resolution approving the Housing Element (GPA13-0001) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (GPA13-0001), WHICH AMENDS THE GENERAL PLAN HOUSING ELEMENT, AND SUBMISSION OF THE HOUSING ELEMENT FOR CERTIFICATION BY THE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT (HCD).

19. **A NEGATIVE DECLARATION, ZONE TEXT AMENDMENT ZTA13-0001; LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001, SPECIFIC PLAN AMENDMENT SPA13-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 TO AMEND THE CITY'S ZONING ORDINANCE AND THE DANA POINT SPECIFIC PLAN TO ALLOW SHORT TERM RENTALS IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED**

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing; 2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE ZONE TEXT AMENDMENT (ZTA13-0001), SPECIFIC PLAN AMENDMENT (LCPA13-0001), AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA13-0002) TO AMEND THE CITY'S ZONING ORDINANCE AND THE DANA POINT SPECIFIC PLAN FOR THE ALLOWANCE OF SHORT TERM RENTALS IN ALL THE DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED; and

3) introduction of a first reading of two Ordinances entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT SPA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED WITHIN THE SPECIFIC PLAN'S BOUNDARIES, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

4) adopt the following two Resolutions requesting certification of the LCPA from the California Coastal Commission:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

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## **NEW BUSINESS**

There are no New Business items.

## **PUBLIC COMMENTS (Continued)**

## **CITY COUNCIL REORGANIZATION**

- A. COUNCIL REORGANIZATION**
- B. RECOGNITION OF OUTGOING MAYOR**

## **RECEPTION**

REFRESHMENTS WILL BE SERVED – THE PUBLIC IS INVITED.

## **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 January 21, 2014, 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 Wednesday, November 27, 2013, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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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.