

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 18, 2014
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 14-03

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Lisa A. Bartlett, Mayor
Steven H. Weinberg, 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)(3) (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (1 case):

California Regional Water Quality Control Board, San Diego Region

- C. 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)

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 – Proud Mary's
Employee of the Month – Kathy Ward
Boys & Girls Club of Capistrano Valley – Youth of the Year – Michelle Alexander
Eagle Scout Resolution – Brantlee Griffith

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, FEBRUARY 18, 2014](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, FEBRUARY 10, 2014](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION MEETING MINUTES, FEBRUARY 24, 2014](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION ACTIONS, MEETING OF MARCH 10, 2014](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[YOUTH BOARD MEETING MINUTES, JANUARY 16, 2014](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

8. **CITY TREASURER'S REPORT, FEBRUARY 2014**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of February 2014.

9. **CLAIMS AND DEMANDS**

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

10. **FISCAL YEAR 2013-14 BUDGET STATUS REPORT**

RECOMMENDED ACTION: That the City Council receive and file the Fiscal Year 2013-14 Budget Status Report and authorize the budget amendments detailed within this report.

11. **VACATION OF A SLOPE EASEMENT AT 34215 PACIFIC COAST HIGHWAY (ASSESSOR PARCEL NUMBERS 682-301-15 AND 682-301-16)**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA VACATING A SLOPE EASEMENT AT 34215 PACIFIC COAST HIGHWAY (ASSESSOR PARCEL NUMBERS 682-301-15 AND 682-301-16) AS DEDICATED PER DOCUMENT RECORDED WITH THE COUNTY OF ORANGE OCTOBER 18, 1979 AS INSTRUMENT NUMBER 27473 IN BOOK 13357, PAGE 665 O.R.

12. **AWARD OF CONTRACT FOR THE 2014 FOURTH OF JULY FIREWORKS DISPLAY AND BARGE CONTRACT**

RECOMMENDED ACTION: That the City Council approve the following contracts for the 2014 Fourth of July aerial display: 1) contract with Pyro-Spectaculars Inc. in the amount of \$95,000 for the aerial display; 2) contract with Pacific Tugboat Service in the amount of \$32,502 to provide a tug and barge for the staging area for the fireworks display; and 3) authorize the City Manager to execute the agreements.

13. **REQUEST OF 24-MONTH EXTENSION FOR PREVIOUSLY AWARDED OCTA GRANT FUNDS FOR SAN JUAN CREEK LO1SO2 STORM DRAIN WATER QUALITY PROJECT**

RECOMMENDED ACTION: That the City Council 1) concur with the 24-month extension request and 2) authorize City Manager or his designee to request the delay and provide justification via letter to OCTA.

14. **NEW JOB DESCRIPTION AND SALARY RANGE FOR BUILDING & FACILITIES MAINTENANCE WORKER I/II/III**

That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ELIMINATING JOB DESCRIPTION AND SALARY RANGE FOR BUILDING AND FACILITIES MAINTENANCE WORKER III AND ADOPTING A NEW JOB DESCRIPTION AND SALARY RANGE FOR BUILDING & FACILITIES MAINTENANCE WORKER I/II/III.

15. **TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) CONTRACT FOR HOLIDAY LIGHTS PROJECT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract with Utopia Entertainment, Inc. to develop and produce a Holiday Lights Project on behalf of the Dana Point Tourism Business Improvement District (TBID).

16. **LANTERN DISTRICT ENTRY FEATURE CONCEPTS**

RECOMMENDED ACTION: That the City Council 1) approve subject concepts; 2) authorize Public Works to proceed with design and construction documents; and 3) approve the First Amendment to the consultant agreement with Thirtieth Street Architects.

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. **STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP)**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt Resolutions entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, AUTHORIZING THE CITY TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF DANA POINT; APPROVING FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AND AUTHORIZING RELATED ACTIONS.

18. [APPEAL OF PLANNING COMMISSION DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT CDP11-0018 FOR THE CONDITIONAL VACATION OF SCENIC DRIVE AND RELATED LOT LINE ADJUSTMENTS AND QUITCLAIM DEEDS RESULTING FROM THE STREET VACATION](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and a) grant the appeal of the Planning Commission's approval of Coastal Development Permit, CDP 11-0018, that allows for the vacation and related lot line adjustments and quitclaim deeds, subject to specific conditions, including a pedestrian access easement; and

b) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA GRANTING THE APPEAL AND MODIFYING THE CONDITIONS OF APPROVAL OF THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0018 FOR THE CONDITIONAL VACATION OF SCENIC DRIVE AS SPECIFIED IN THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) AND RELATED LOT LINE ADJUSTMENTS AND QUITCLAIM DEEDS.

19. [DIRECT STAFF TO ELIMINATE THE CITY-WIDE GENERAL GOVERNMENT DEVELOPMENT IMPACT FEE AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE; HOLD A PUBLIC HEARING TO ESTABLISH THE LANTERN DISTRICT DEVELOPMENT IMPACT FEE FOR THE TOWN CENTER PLAN AREA; THE MITIGATION PROGRAM; SET FORTH THE INITIAL AMOUNT OF THE FEE; AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LANTERN DISTRICT DEVELOPMENT IMPACT FEE, AND AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 14.30 RELATING TO THE PUBLIC FACILITY DEVELOPMENT IMPACT FEES](#)

RECOMMENDED ACTION: That the City Council a) conduct a Public Hearing to review the City of Dana Point Lantern District Development Impact Fee for the Town Center Plan Area, the Mitigation Program and set forth the initial amount of the fee; and

b) direct staff to immediately initiate action and return to Council with the appropriate action documents for the disestablishment of the General Government Development Impact Fee and the Transportation Facilities Development Impact Fee; and

b) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING THE LANTERN DISTRICT DEVELOPMENT IMPACT FEE FOR THE TOWN CENTER PLAN AND THE MITIGATION PROGRAM AND SETTING THE INITIAL AMOUNT OF THE FEE FOR DEVELOPMENT WITHIN THAT AREA; and

c) Introduce and hold a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING THE LANTERN DISTRICT DEVELOPMENT IMPACT FEE FOR THE TOWN CENTER PLAN AREA AND THE MITIGATION PROGRAM AND SETTING THE INITIAL AMOUNT OF THE FEE FOR THE DEVELOPMENT WITHIN THAT AREA; and

d) Introduce and hold a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE "LANTERN DISTRICT DEVELOPMENT IMPACT FEE," AND AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 14.30 RELATING TO PUBLIC FACILITY DEVELOPMENT IMPACT FEES.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

20. [TRANSPORTATION CORRIDOR AGENCY \(TCA\) UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file a report from the TCA.

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 April 1, 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 Thursday, March 13, 2014, 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.