

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
APRIL 15, 2014  
5:00 P.M.**

## **AGENDA**

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

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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 – 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 – 4<sup>th</sup> 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

**RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.**

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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## PRESENTATIONS AND PROCLAMATIONS

Business of the Month – EZ Green Bikes  
Employee of the Month – Robert Sedita  
Deputy of the Year – Deputy Brian Hall  
Recognition – Lt. Lynn Koehmstedt  
O.C. Human Relations

## 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, MARCH 18, 2014](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

**4. [YOUTH BOARD MEETING MINUTES, FEBRUARY 6, 2014](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

**6. [CITY TREASURER'S REPORT, MARCH 2014](#)**

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

**7. [CLAIMS AND DEMANDS](#)**

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

8. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ELIMINATING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES FEE AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT**

RECOMMENDED ACTION: That the City Council adopt the following Resolution to eliminate the General Government Facilities and Transportation Facilities Development Impact Fee entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ELIMINATING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES FEE AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT.

9. **SECOND READING AND ADOPTION OF 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**

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, ADOPTING THE "LANTERN DISTRICT DEVELOPMENT IMPACT FEE," AND AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 14.30 RELATING TO PUBLIC FACILITY DEVELOPMENT IMPACT FEES.

10. **APPROVAL OF CONTRACT AMENDMENTS FOR AS-NEEDED PUBLIC WORKS DEVELOPMENT ENGINEERING PLAN CHECK AND CAPITAL IMPROVEMENT PROGRAM DESIGN SERVICES WITH ATKINS NORTH AMERICA, INC.**

RECOMMENDED ACTION: That the City Council 1) approve a contract amendment with Atkins for additional services for as-needed Public Works plan checking services; 2) approve a contract amendment with Atkins for public works as-needed design services, and 3) authorize the City Manager or his Designee to execute the contract amendments.

11. **THIRD CONTRACT EXTENSION AND BUDGET ADJUSTMENT FOR THE ENVIRONMENTAL SERVICES PROVIDED BY LSA ASSOCIATES FOR THE SOUTH SHORES CHURCH PROJECT ENVIRONMENTAL IMPACT REPORT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a third extension and budget adjustment to the Consultant Services Agreement with LSA Associates.

12. **DANA POINT CITY TROLLEY UPDATE REPORT (OCTA PROJECT V GRANT)**

RECOMMENDED ACTION: That the City Council 1) receive and file the trolley update report and 2) authorize the supporting letter to the Orange County Transportation Authority requesting an extension to the Project V Grant Funding schedule.

13. **BIANNUAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN LOAN LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE.

14. **DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JANUARY – MARCH 2014**

RECOMMENDED ACTION: That the City Council receive and file the quarterly report.

15. **APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CITY OF DANA POINT**

RECOMMENDED ACTION: That the City Council: 1) approve the Memorandum of Understanding (MOU) between the California Department of Transportation and the City of Dana Point to provide inter-agency guidelines and responsibilities for the purpose of sharing Closed Circuit Television (CCTV) video images/streams between Caltrans D12, participating cities in Orange County, and the City of Dana Point for congestion monitoring, traffic management, and incident management; and 2) authorize the City Manager or his designee to execute the MOU.

16. **AWARD OF CONTRACT FOR PROCUREMENT CARD PROGRAM**

RECOMMENDED ACTION: That the City Council 1) award a contract to FIA Card Services, a division of Bank of America, for a corporate credit card agreement that includes a linking authorization for the Procurement Card Program with the City of Riverside; and 2) authorize the City Manager or his representative to execute the agreements for said service agreement.

17. **INITIATION OF HOMELESS TASK FORCE**

RECOMMENDED ACTION: That the City Council 1) initiate a Homeless Task Force, 2) appoint Council Member Brough as the City Council representative, and 3) approve the recommended initial appointments and authorize Council Member Brough to make additional appointments as needed in the future.

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**

### **18. [2014 ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS](#)**

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and, thereafter, adopt one of the two attached Resolutions as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

## **NEW BUSINESS**

### **19. [NIGUEL BEACH TERRACE SHORT-TERM RENTAL COMPLIANCE](#)**

RECOMMENDED ACTION: That the City Council review the attached report and provide direction as appropriate.

### **20. [LANTERN DISTRICT ENTRY FEATURE](#)**

RECOMMENDED ACTION: That the City Council review its previous action taken on the Lantern District entry feature and provide staff with direction as appropriate.

## **PUBLIC COMMENTS (Continued)**

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## 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 May 20, 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, April 10, 2014, 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.