

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 17, 2014
5:00 P.M.**

AGENDA

Location: Dana Point Community Center, 34052 Del Obispo Street, Dana Point, California 92629

Next City Council Ordinance No. 14-04

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)(1) (2 cases)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 33422 Ocean Hill Drive; APN 673-301-17
Agency Negotiator: City Manager
Negotiating Parties: City of Dana Point and Verizon
Under Negotiation: Price and terms of 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 – Peking Dragon
Employee of the Month – Kolleen Wallace
Youth Board Recognition

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, MAY 20, 2014](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MAY 12, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 9, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, MAY 1, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, MAY 15, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [ARTS AND CULTURE COMMISSION MINUTES, JANUARY 15, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [INVESTMENT REVIEW COMMITTEE ACTION MINUTES, APRIL 22, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. **CITY TREASURER'S REPORT, MAY 2014**

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

11. **CLAIMS AND DEMANDS**

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

12. **2014-2015 LAW ENFORCEMENT SERVICES AGREEMENT**

RECOMMENDED ACTION: That the City Council approve the Law Enforcement Services Agreement with the County of Orange for law enforcement services for the 2014-2015 fiscal year and authorize the City Manager to execute the agreement.

13. **APPROVAL OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2014-15 THROUGH FISCAL YEAR 2020-21 AND AUTHORIZATION TO FORWARD RENEWED MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING CONFORMANCE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN AND ADOPTION OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY 2014-15 THROUGH FY 2020-21 AS REQUIRED BY THE OCTA RENEWED MEASURE M (M2) PROGRAM; and

2) authorize the Director of Public Works and Engineering Services to forward the necessary Renewed Measure M eligibility documentation to the Orange County Transportation Authority.

14. **CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014 TO FILL THREE CITY COUNCIL SEATS**

RECOMMENDED ACTION: That the City Council adopt the following Resolutions entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014.

15. **FISCAL YEAR 2014-2015 BUDGET UPDATE AND RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2014-2015**

RECOMMENDED ACTION: That the City Council: 1) receive and file the Fiscal Year 2014-2015 (FY 2014-15) Budget Update report and authorize the budget amendments detailed in the report; and

2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2014-15.

16. **LANTERN DISTRICT PCH/DEL PRADO PHASE IIA, DEL PRADO STREET IMPROVEMENT PROJECT CONSTRUCTION BID SOLICITATION**

RECOMMENDED ACTION: That the City Council approve solicitation of bids for subject project.

17. **SISTER CITY AGREEMENT**

RECOMMENDED ACTION: That the City Council formally ratify the Sister City Agreement with the City of Viterbo, Italy.

18. **SECOND AMENDMENT TO CUSTODIAL CONTRACT**

RECOMMENDED ACTION: That the City Council 1) approve the second amendment to the professional services agreement for custodial services; and 2) authorize the City Manager to execute the amendment.

19. **RECIPROCAL ENTRY LICENSE AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Reciprocal Entry License Agreement between the City and the South Coast Water District for the placement of communications equipment.

20. **INTRODUCTION OF AN ORDINANCE MODIFICATION FOR THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA SECTION 13.04.050 (CARE OF NATURAL RESOURCES), PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE IN THE HEADLANDS NATURAL OPEN-SPACE ENVIRONMENTALLY SENSITIVE HABITAT PARK AREAS**

RECOMMENDED ACTION: That the City council introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 13.04.050 (CARE OF NATURAL RESOURCES), PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE IN THE HEADLANDS NATURAL OPEN-SPACE ENVIRONMENTALLY SENSITIVE HABITAT PARK AREAS

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

21. [HEARING ON APPEAL OF PLANNING COMMISSION DECISION APPROVING COASTAL DEVELOPMENT PERMIT CDP13-0018 FOR DEVELOPMENT, OTHERWISE REFERRED TO AS THE COMMERCIAL CORE PROJECT, A PARKING MANAGEMENT PLAN, A MASTER SIGN PROGRAM AND APPROVALS IN CONCEPT FOR THE DANA POINT HARBOR](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP13-0018 FOR DEVELOPMENT OTHERWISE REFERRED TO AS THE COMMERCIAL CORE PROJECT, A PARKING MANAGEMENT PLAN, A MASTER SIGN PROGRAM AND APPROVALS IN CONCEPT FOR THE DANA POINT HARBOR

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

There are no New Business items.

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 agendaized 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-agendaized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be July 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, June 12, 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.