

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



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

ACTION AGENDA

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

Next City Council Ordinance No. 14-04

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bartlett at 5:00 p.m. in the Dana Point Community Center, 34052 Del Obispo Street, Dana Point.

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

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- 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

Mayor Bartlett recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:09 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. Russ Chilton; Brad Fowler, Director of Public Works and Engineering; Kevin Evans, Director of Community Services; John Tilton, City Architect; Mark Sutton, Building Official; Robert Sedita, Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

The Invocation was provided by OCFA Chaplain Jeff Hetschel.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Peking Dragon
Employee of the Month – Kolleen Wallace
Youth Board Recognition

CONSENT CALENDAR

A member of the Public removed Items 15 and 16. Mayor Pro Tem Weinberg removed Item 20.

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 15,16, AND 20.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

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, MAY 20, 2014

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 12, 2014

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 9, 2014

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, MAY 1, 2014

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, MAY 15, 2014

RECEIVED AND FILED.

7. ARTS AND CULTURE COMMISSION MINUTES, JANUARY 15, 2014

RECEIVED AND FILED.

8. INVESTMENT REVIEW COMMITTEE ACTION MINUTES, APRIL 22, 2014

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, MAY 2014

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF MAY, 2014.

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. 2014-2015 LAW ENFORCEMENT SERVICES AGREEMENT

APPROVED THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2014-2015 FISCAL YEAR AND AUTHORIZED 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

ADOPTED **RESOLUTION 14-06-17-01** 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

AUTHORIZED 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

ADOPTED THE FOLLOWING:

RESOLUTION 14-06-17-02 ENTITLED:

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

RESOLUTION 14-06-17-03 ENTITLED:

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

RESOLUTION 14-06-17-04 ENTITLED:

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

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

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2014-2015 (FY 2014-15) BUDGET UPDATE REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED IN THE REPORT; IN ADDITION, INCLUDE A LINE ITEM TO TRANSFER \$7.7M FROM THE GENERAL FUND, UTILIZING THE \$1.475M FROM THE STATE BUDGET IMPACTS RESERVE, \$2.5M FROM THE CAPITAL PROJECTS SINKING FUND RESERVE AND THE BALANCE FROM UNDESIGNATED FUND BALANCE, TO THE CAPITAL PROJECTS FUND TO FUND THE ESTIMATED COST OF THE TOWN CENTER LANTERN DISTRICT PHASE 2 PROJECT; DIRECT THE INVESTMENT REVIEW COMMITTEE TO DRAFT A FIVE YEAR REPAYMENT PLAN FOR COUNCIL'S REVIEW; AND

ADOPT RESOLUTION 14-06-17-05 ENTITLED:

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

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, and Mayor Pro Tem Steven Weinberg

NOES: Council Member Scott Schoeffel and Mayor Lisa Bartlett

ABSENT: None

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

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

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL APPROVE THE SOLICITATION OF BIDS FOR SUBJECT PROJECT.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa Bartlett

NOES: None

ABSENT: None

17. SISTER CITY AGREEMENT

RATIFIED THE SISTER CITY AGREEMENT WITH THE CITY OF VITERBO, ITALY.

18. SECOND AMENDMENT TO CUSTODIAL CONTRACT

APPROVED THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CUSTODIAL SERVICES; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT.

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

AUTHORIZED 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

Mayor Pro Tem Weinberg removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL INTRODUCE AN ORDINANCE AS AMENDED 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

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa Bartlett

NOES: None

ABSENT: None

Mayor Bartlett recessed the meeting at 7:58 p.m. and reconvened the meeting at 8:22 p.m.

PUBLIC COMMENTS

Ingrid McGuire
Nancy Weagley
John Tomlinson
Karl Kuhn

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

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 14-06-17-06** 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

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

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 Bartlett declared the meeting adjourned at 9:37 p.m. and announced that 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.