

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 16, 2014
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 14-05

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 – 4th Appellate District – Division One Case No. D060260 (Consolidated with D060369); and

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(1) (1 case):

Surfrider Public Records Request for Fee Waiver

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(1) (2 cases)

- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager

Unrepresented and Represented Employees: All positions in City

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 34232/34236 Doheny Park Road
Agency Negotiator: Douglas Chotkevys and Mike Killebrew
Negotiating Parties: City of Dana Point and Capo Beach Church
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 – Cornerstone Openings
Employee of the Month – Matt Kunk
Certificate of Recognition – Stephanie Rose Ramsey
Lifesaving Certificate Recognition – Orange County Fire Authority
Breakthrough SJC Presentation – Lorena Martinez

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, JULY 1, 2014](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JUNE 23, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, JULY 14, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION MEETING MINUTES, JULY 28, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [PLANNING COMMISSION MEETING MINUTES, AUGUST 11, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 8, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, JUNE 18, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, APRIL 22, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

11. [CITY TREASURER'S REPORT, JUNE, JULY, AND AUGUST, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the months of June, July, and August, 2014.

12. [CLAIMS AND DEMANDS](#)

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

13. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT UPDATE REPORT FOR APRIL – AUGUST 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

14. **HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2015**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND ALL ELIGIBLE NON-REPRESENTED CLASSIFICATIONS.

15. **2014-2015 SALARY RANGES FOR NON-REPRESENTED EMPLOYEE CLASSIFICATIONS**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR NON-REPRESENTED JOB CLASSIFICATIONS.

16. **APPROVAL TO SPEND EXISTING AND ANTICIPATED CITIZEN OPTIONS FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS (AB 1913) TO IMPLEMENT AND MAINTAIN FRONTLINE MUNICIPAL POLICE SERVICES**

RECOMMENDED ACTION: That the City Council 1) adjust the FY 2014/15 budget with the re-appropriation of unencumbered Citizens Option for Public Safety (COPS) program unspent monies remaining from the FY 2013/14 budget, to the Supplemental Law Enforcement Service Fund (SLESF) account, and 2) allow the appropriation of existing and future funds from the COPS/SLESF to implement and maintain the following programs in the City of Dana Point:

- Approve funding for overtime backfill for the School Resource Officer position for this school year
- Approve funding for Project STOP (Stop Trashing Our Parks)
- Approve funding for Project *Hide It, Lock It, or Lose It*
- Approve funding for Project "It's Your Business"

17. **AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE.

18. **EMERGENCY AMBULANCE CONTRACT EXTENSION**

RECOMMENDED ACTION: That the City Council 1) extend the current contract for Emergency Ambulance Services to March 1, 2015, and 2) authorize the Mayor to execute the agreement.

19. [DOHENY VILLAGE PRIVATE PROPERTY LEASE FOR PUBLIC PARKING LOT USE AND IMPROVEMENT; PILOT PROJECT AT 34232/34236 DOHENY PARK ROAD](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to negotiate a 20-year lease and improve subject vacant dirt lot for public parking.

20. [CR&R WASTE FRANCHISE AGREEMENT BI-ANNUAL AUDIT CONTRACT WITH HF&H CONSULTANTS, LLC](#)

RECOMMENDED ACTION: That the City Council 1) award a professional services contract to HF&H Consultants, LLC for a Solid Waste Franchise Performance Audit; and 2) authorize the City Manager or his designee to execute the Agreement.

21. [2014-2015 DANA POINT YOUTH BOARD APPOINTMENTS](#)

RECOMMENDED ACTION: That the City Council appoint eleven (11) Board Members and five (5) Members-at-Large to the Dana Point Youth Board.

22. [HISTORIC PRESERVATION AGREEMENT \(MILLS ACT\) FOR THE HISTORIC PROPERTY LOCATED AT 34171 RUBY LANTERN](#)

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement allowing the owners of the historic structure at 34171 Ruby Lantern Street to participate in the State's Mills Act Program.

23. [FISCAL YEAR 2014-15 PROPOSED BUDGET ADJUSTMENTS](#)

RECOMMENDED ACTION: That the City Council amend the FY 2014-15 ("FY15") budget by authorizing the carry-over and re-appropriation of encumbered and unencumbered from FY14 to FY15.

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

24. HEARING ON APPEAL OF PLANNING COMMISSION DECISION DENYING COASTAL DEVELOPMENT PERMIT (CDP09-0011), VARIANCE (V09-0003), CONDITIONAL USE PERMIT (CUP09-0009) AND SITE DEVELOPMENT PERMIT (SDP09-0032) FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW 248,850 SQUARE FOOT HOTEL WITH 250 ROOMS THAT WILL RANGE FROM TWO TO FIVE STORIES IN HEIGHT. THE APPLICATION INCLUDES A VARIANCE TO EXCEED THE MAXIMUM ALLOWABLE BUILDING HEIGHT AND TO DEVIATE FROM REQUIRED BUILDING SETBACKS. A CONDITIONAL USE PERMIT IS BEING REQUESTED TO ALLOW AN ALTERNATIVE TO THE OFF-STREET PARKING REGULATIONS THROUGH A SHARED PARKING AND VALET PROGRAM. A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) HAS BEEN PREPARED TO ADDRESS POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROJECT. THE SUBJECT SITE IS LOCATED AT THE SOUTHWEST CORNER OF DANA POINT HARBOR DRIVE AND PACIFIC COAST HIGHWAY IN THE COASTAL COUPLET COMMERCIAL (C-CPC) AND COASTAL VISITOR COMMERCIAL (C-VC) ZONES OF THE DANA POINT SPECIFIC PLAN

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and take one of the following actions:

- 1) Uphold the Planning Commission action and adopt Resolution No. 14-09-16-XX denying CDP09-0011, Variance V09-0003, CUP09-0009, and SDP09-0032 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DENYING THE APPEAL BY THE APPLICANT AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF COASTAL DEVELOPMENT PERMIT (CDP 09-0011), VARIANCE (V09-0003), CONDITIONAL USE PERMIT (CUP09-0009) AND SITE DEVELOPMENT PERMIT (SDP09-0032) FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW 248,850 SQUARE FOOT HOTEL WITH 250 ROOMS THAT WILL RANGE FROM TWO TO FIVE STORIES IN HEIGHT AT THE SOUTHWEST CORNER OF DANA POINT HARBOR DRIVE AND PACIFIC COAST HIGHWAY IN THE COASTAL COUPLET COMMERCIAL (C-CPC) AND COASTAL VISITOR COMMERCIAL (C-VC) ZONES OF THE DANA POINT SPECIFIC PLAN;

OR

- 2) Reverse the Planning Commission's action and adopt Resolution No. 14-09-16-XX, certifying Final Environmental Impact Report (EIR SCH#2011061041) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR SCH#2011061041) FOR COASTAL DEVELOPMENT PERMIT (CDP09-0011), VARIANCE (V09-0003), CONDITIONAL USE PERMIT (CUP09-0009) AND SITE DEVELOPMENT PERMIT (SDP09-0032); and

Resolution No. 14-09-16-XX, Approving CDP09-0011, V09-0003, CUP09-0009 and SDP09-0032 for the Proposed Project/Modified Option B, adopting the “Doheny Hotel Statement of Overriding Considerations and Finds of Fact”, and adopting the Mitigation Monitoring and Reporting Program (Chapter 5 of the Final Environmental Impact Report) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO APPROVE COASTAL DEVELOPMENT PERMIT (CDP09-0011), VARIANCE (V09-0003), CONDITIONAL USE PERMIT (CUP09-0009) AND SITE DEVELOPMENT PERMIT (SDP09-0032) FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW 248,850 SQUARE FOOT HOTEL WITH 250 ROOMS THAT WILL RANGE FROM TWO TO FIVE STORIES IN HEIGHT AT THE SOUTHWEST CORNER OF DANA POINT HARBOR DRIVE AND PACIFIC COAST HIGHWAY IN THE COASTAL COUPLET COMMERCIAL (C-CPC) AND COASTAL VISITOR COMMERCIAL (C-VC) ZONES OF THE DANA POINT SPECIFIC PLAN; ADOPTING THE DOHENY HOTEL STATEMENT OF OVERRIDING CONSIDERATIONS AND FINDINGS OF FACT AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM.

UNFINISHED BUSINESS

25. [CONSIDER AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE PCH/DEL PRADO STREETScape IMPROVEMENT PROJECT PHASE 2A PROJECT](#)

RECOMMENDED ACTION: That the City Council (1) approve the construction Contract Documents required for the PCH/Del Prado Streetscape Improvement Phase 2A Project (CIP #1242); (2) approve award of a contract to GMC Engineering, Incorporated for construction of the PCH/Del Prado Streetscape Improvement Phase 2A 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; (3) authorize the City Manager to process the Second Amendment to Agreement with Psomas for additional construction/design support services from Psomas/ROMA; (4) authorize the City Manager to execute a Contract Agreement with JM Electric, Incorporated for as-needed electrical inspection and construction in the not-to-exceed amount outlined the Fiscal Impact Section and Action Document C; (5) authorize the City Manager to pay SDG&E for installation of the new street lighting system for this Phase of the Project; (6) authorize additional surveying services per the as-needed Consultant Services Agreement with Hall and Foreman; (7) authorize additional inspection and materials and testing services per the as-needed Consultant Services Agreement with GMU Geotechnical for geotechnical engineering; (8) authorize additional inspection materials and testing services per the as-needed Consultant Services Agreement with Coastal Geotechnical for geotechnical engineering; (9) authorize the pre-purchase of traffic signals from JTB Supply Company for the Golden Lantern/Del Prado intersection; and (10) authorize the City Manager to reimburse SCWD for sewer relocation.

NEW BUSINESS

26. **SKATE PARK STUDY OVERVIEW**

RECOMMENDED ACTION: That the City Council receive the report, discuss the contents and provide direction to staff.

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 October 7, 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, September 11, 2014, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at www.danapoint.org.

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.