

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 3, 2015
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 15-01

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Carlos N. Olvera, Mayor
John A. Tomlinson, Mayor Pro Tem
Joseph L. Muller, Council Member
J. Scott Schoeffel, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

Name of Case: Therese Coppi v. City of Dana Point; County of Orange – USDC Central District Case No. – SACV11-1813 JST (RNBx)

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 – White Pelican
Employee of the Month – Christy Teague
VFW Deputy of the Year – Tobin Anderson
VFW Firefighter of the Year – Jason Jones
VFW Reserve Firefighter of the Year – Jose D. Soto
VFW Voice of Democracy Winner – Alisha S. Nagarkar

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. [YOUTH BOARD MEETING MINUTES, JANUARY 15, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

3. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, NOVEMBER 19, 2014](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. [CLAIMS AND DEMANDS](#)

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

6. [CITY TREASURER'S REPORT, JANUARY 2015](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of January 2015.

7. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PCH/DEL PRADO STREETScape IMPROVEMENT PHASE 1A PROJECT](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "PCH/DEL PRADO STREETScape IMPROVEMENT PHASE 1A PROJECT".

8. **INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REPLACING DANA POINT MUNICIPAL CODE SECTION 12.16.010 ESTABLISHING SPEED LIMITS CITYWIDE**

RECOMMENDED ACTION: That the City Council introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND REPLACING DANA POINT MUNICIPAL CODE, CHAPTER 12.16.010, ESTABLISHING SPEED LIMITS IN THE CITY OF DANA POINT PURSUANT TO THE CALIFORNIA VEHICLE CODE.

9. **CONTRACT AMENDMENT FOR THE ENVIRONMENTAL SERVICES PROVIDED BY LSA ASSOCIATES FOR THE SOUTH SHORES CHURCH PROJECT'S ENVIRONMENTAL IMPACT REPORT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract amendment to the Consultant Services Agreement with LSA Associates.

10. **CONTRACT EXTENSION AND BUDGET ADJUSTMENT FOR NELSON/NYGAARD CONSULTING ASSOCIATES TO CONTINUE THEIR WORK ON THE TOWN CENTER/LANTERN DISTRICT PARKING AMENDMENTS**

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into an amended agreement with Nelson/Nygaard Consulting Associates in accordance with the attached scope of work to continue their work on parking amendments to the Town Center/Lantern District Plan and authorize a budget adjustment.

11. **AUTHORIZE STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL FOR THE MAINTENANCE OF THE CITY RECREATION FACILITIES**

RECOMMENDED ACTION: That the City Council authorize staff to distribute a Request for Proposal to qualified maintenance contractors for the maintenance of the City recreation facilities.

12. **2015 SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council 1) approve the Special Event Calendar for 2015 and the recommended venues; 2) award the stage and sound contract to Southern California Sound Stage & Lighting Corporation; and 3) authorize the City Manager to execute the contract.

13. **RATIFICATION OF EMERGENCY CONSTRUCTION ACTIVITIES TO REPLACE AGED STORM DRAIN BETWEEN ZARZITO DRIVE AND FORMOSA AT THE TERMINUS OF MANZANITA DRIVE**

RECOMMENDED ACTION: That the City Council 1) ratify the City Manger's action to waive competitive bidding per City Ordinances for emergency work activities to replace an aged storm drain (partially blocked in recent storms) at the terminus of Manzanita Drive between Zarzito Drive and Formosa, herein referred to as "Storm Drain Repairs"; 2) approved budget adjustment and, 3) authorize Staff to pay all necessary contractors, vendors and consultants for completing storm damage repairs upon receipt of actual invoices for storm drain repair work.

14. **AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT**

RECOMMENDED ACTION: That the City Council approve the following for the 2015 Fourth of July aerial fireworks Display: 1) contract with Bay Fireworks for the aerial display; 2) contract with Pacific Tugboat to provide the tug and barge to be used as the staging area for the fireworks display, and 3) authorize the City Manager to execute the agreements.

15. **ARTS AND CULTURE MASTER PLAN UPDATE**

RECOMMENDED ACTION: That the City Council 1) receive and file and, 2) direct staff to include the Arts and Culture Master Plan Update as part of the budget discussion for FY16 and FY17.

16. **RESOLUTION URGING SADDLEBACK MEMORIAL TO USE ALL DILIGENT AND GOOD FAITH EFFORTS WITH THE PROPOSED CHANGES TO THE EXISTING SADDLEBACK MEMORIAL CARE SAN CLEMENTE CAMPUS**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, URGING SADDLEBACK MEMORIAL CARE TO USE ALL DILIGENT AND GOOD FAITH EFFORTS TO ASSURE THAT THE PROVISION OF EMERGENCY MEDICAL SERVICES FOR THE DANA POINT RESIDENTS, BUSINESS, AND VISITORS WILL NOT BE IMPAIRED BY CHANGES TO THE EXISTING SADDLEBACK MEMORIAL CARE SAN CLEMENTE CAMPUS.

17. **AMENDMENT TO JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM**

RECOMMENDED ACTION: That the City Council 1) approve the Amendment to the Joint Agreement for the operation, maintenance and financial management of the Orange County 800 MHz Countywide Coordinated Communications System; and 2) authorize the City Manager to execute the amendment and all related documents.

18. [PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL COUNTER AND INSPECTION SERVICES](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to continue the Professional Services Agreement with Melad and Associates.

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

19. [INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 AND ADDING CHAPTER 12.08.060 OF THE MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND TO EXTEND ENFORCEMENT OF THE ORDINANCE TO DESIGNATED PARKING LOTS USED BY THE PUBLIC IN THE CITY OF DANA POINT](#)

RECOMMENDED ACTION: That the City Council hold a Public Hearing and introduce an Ordinance to amend Chapter 12.08.050 and add chapter 12.08.060 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 AND ADDING CHAPTER 12.08.060 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND TO EXTEND ENFORCEMENT OF ORDINANCE TO DESIGNATED PARKING LOTS USED BY THE PUBLIC IN THE CITY OF DANA POINT.

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 March 17, 2015, 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 Friday, February 27, 2015, 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.